

Chapter 308-88 WAC

RENTAL CAR TAXATION AND LICENSING

WAC

308-88-020 Application and registration of rental vehicle car businesses.

DISPOSITION OF SECTIONS FORMERLY
CODIFIED IN THIS CHAPTER

- 308-88-010 Definitions. [Statutory Authority: RCW 46.01.110 and 46.87.023. 95-15-028, § 308-88-010, filed 7/11/95 effective 8/11/95. Statutory Authority: ESHB 2964, § 7(9). 93-01-066, § 308-88-010, filed 12/11/92, effective 1/11/93.] Repealed by 00-06-024, filed 2/23/00, effective 3/25/00. Statutory Authority: RCW 46.01.110.
- 308-88-030 Application for registration. [Statutory Authority: RCW 46.01.110 and 46.87.023. 95-15-028, § 308-88-030, filed 7/11/95 effective 8/11/95. Statutory Authority: ESHB 2964, § 7(9). 93-01-066, § 308-88-030, filed 12/11/92, effective 1/11/93.] Repealed by 00-06-024, filed 2/23/00, effective 3/25/00. Statutory Authority: RCW 46.01.110.
- 308-88-040 Issuance of rental car business registration. [Statutory Authority: RCW 46.01.110 and 46.87.023. 95-15-028, § 308-88-040, filed 7/11/95 effective 8/11/95. Statutory Authority: ESHB 2964, § 7(9). 93-01-066, § 308-88-040, filed 12/11/92, effective 1/11/93.] Repealed by 00-06-024, filed 2/23/00, effective 3/25/00. Statutory Authority: RCW 46.01.110.
- 308-88-050 Waiver of business registration requirements. [Statutory Authority: ESHB 2964, § 7(9). 93-01-066, § 308-88-050, filed 12/11/92, effective 1/11/93.] Repealed by 00-06-024, filed 2/23/00, effective 3/25/00. Statutory Authority: RCW 46.01.110.
- 308-88-060 Registration denial appeal procedure. [Statutory Authority: ESHB 2964, § 7(9). 93-01-066, § 308-88-060, filed 12/11/92, effective 1/11/93.] Repealed by 95-15-028, filed 7/11/95, effective 8/11/95. Statutory Authority: RCW 46.01.110 and 46.87.023.
- 308-88-070 Methods for registration of rental cars. [Statutory Authority: ESHB 2964, § 7(9). 93-01-066, § 308-88-070, filed 12/11/92, effective 1/11/93.] Repealed by 95-15-028, filed 7/11/95, effective 8/11/95. Statutory Authority: RCW 46.01.110 and 46.87.023.
- 308-88-080 Registration of rental cars. [Statutory Authority: ESHB 2964, § 7(9). 93-01-066, § 308-88-080, filed 12/11/92, effective 1/11/93.] Repealed by 95-15-028, filed 7/11/95, effective 8/11/95. Statutory Authority: RCW 46.01.110 and 46.87.023.
- 308-88-090 Rental car reciprocity. [Statutory Authority: ESHB 2964, § 7(9). 93-01-066, § 308-88-090, filed 12/11/92, effective 1/11/93.] Repealed by 95-15-028, filed 7/11/95, effective 8/11/95. Statutory Authority: RCW 46.01.110 and 46.87.023.
- 308-88-100 Use of rental cars restricted. [Statutory Authority: ESHB 2964, § 7(9). 93-01-066, § 308-88-100, filed 12/11/92, effective 1/11/93.] Repealed by 95-15-028, filed 7/11/95, effective 8/11/95. Statutory Authority: RCW 46.01.110 and 46.87.023.
- 308-88-110 Rental car temporary permits. [Statutory Authority: ESHB 2964, § 7(9). 93-01-066, § 308-88-110, filed 12/11/92, effective 1/11/93.] Repealed by 95-15-028, filed 7/11/95, effective 8/11/95. Statutory Authority: RCW 46.01.110 and 46.87.023.
- 308-88-120 Rental car license plates. [Statutory Authority: ESHB 2964, § 7(9). 93-01-066, § 308-88-120, filed 12/11/92, effective 1/11/93.] Repealed by 95-15-028, filed 7/11/95, effective 8/11/95. Statutory Authority: RCW 46.01.110 and 46.87.023.
- 308-88-130 Use of rental car plates. [Statutory Authority: ESHB 2964, § 7(9). 93-01-066, § 308-88-130, filed 12/11/92, effective 1/11/93.] Repealed by 95-15-028, filed 7/11/95, effective 8/11/95. Statutory Authority: RCW 46.01.110 and 46.87.023.
- 308-88-140 Removal/reassignment of rental car plates. [Statutory Authority: ESHB 2964, § 7(9). 93-01-066, § 308-88-140, filed 12/11/92, effective 1/11/93.] Repealed by 95-15-028, filed 7/11/95, effective 8/11/95. Statutory Authority: RCW 46.01.110 and 46.87.023.
- 308-88-150 Return of rental car plates. [Statutory Authority: ESHB 2964, § 7(9). 93-01-066, § 308-88-150, filed 12/11/92, effective 1/11/93.] Repealed by 95-15-028, filed 7/11/95, effective 8/11/95. Statutory Authority: RCW 46.01.110 and 46.87.023.

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- 308-88-160 Vehicles removed from rental car operations. [Statutory Authority: ESHB 2964, § 7(9). 93-01-066, § 308-88-160, filed 12/11/92, effective 1/11/93.] Repealed by 95-15-028, filed 7/11/95, effective 8/11/95. Statutory Authority: RCW 46.01.110 and 46.87.023.
- 308-88-170 Rental cars registered in another jurisdiction—Temporary operating authority for Washington operations. [Statutory Authority: ESHB 2964, § 7(9). 93-01-066, § 308-88-170, filed 12/11/92, effective 1/11/93.] Repealed by 00-06-024, filed 2/23/00, effective 3/25/00. Statutory Authority: RCW 46.01.110.

WAC 308-88-020 Application and registration of rental vehicle businesses. (1) What is required to become a rental vehicle business?

(a) Applicants must apply for a rental vehicle business license by submitting a completed master license application to the department of licensing's master license service.

(b) A separate master license application must be filed for each place of business operated as a rental vehicle business. For the purposes of this section, "place of business" means a physical location at which arrangements to rent a rental vehicle may be made.

(c) Businesses operating in the form of a corporation, limited liability company, limited liability partnership, or similar form of legal entity must register their legal entity through the office of the secretary of state before applying for a rental vehicle business license.

(2) **What will I receive as proof that I qualified as a vehicle rental business?** A rental vehicle business registration number will be issued to your business and displayed on the master license.

(3) **Can I transfer my business registration number to another company?** No. The rental vehicle business registration number issued through the master license service is not assignable or transferable, and is valid for the rental vehicle business the registration number was issued to.

Rental vehicles must be registered in Washington unless:

(a) Rented by a customer at a location outside of the state of Washington;

(b) The vehicle was dropped off at a Washington rental vehicle business by its previous renter and is being rented for a one-way trip out of Washington; or

(c) The vehicle is part of a properly registered International Registration Plan (IRP) rental vehicle business fleet.

(4) **Does the current certificate of registration issued by the department need to be carried in the rental vehicle?** A photocopy of the current certificate of registration may be carried in a rental vehicle in lieu of the original certificate of registration.

(5) **Who may operate a rental vehicle?** Rental vehicles may only be used by rental customers, unless the rental vehicle is being moved by the business to another business site, to or from maintenance or repair facilities, or for testing purposes.

(6) **What does a rental vehicle business do when they remove a rental vehicle from their fleet?** The rental vehicle business may submit a vehicle seller's report of sale that protects the seller of a vehicle from certain criminal and civil liabilities arising from use of the vehicle by another person after the vehicle has been sold or change in ownership has occurred.

[Statutory Authority: RCW 46.01.110. 04-01-162, § 308-88-020, filed 12/22/03, effective 1/22/04; 00-06-024, § 308-88-020, filed 2/23/00, effective 3/25/00.]

tive 3/25/00. Statutory Authority: ESHB 2964, § 7(9). 93-01-066, § 308-88-020, filed 12/11/92, effective 1/11/93.]

Chapter 308-89 WAC

TRANSPORTATION OF PASSENGERS IN FOR HIRE VEHICLES

WAC

308-89-010	For hire liability and property damage insurance.
308-89-020	Definitions.
308-89-030	Nonresident.
308-89-040	Applications/for hire vehicle certificates.
308-89-050	Licenses.
308-89-060	Fees.

WAC 308-89-010 For hire liability and property damage insurance. (1) For hire businesses must maintain liability and property damage insurance for each vehicle as required in RCW 46.72.050.

(2) The bond or certificate of insurance must be submitted before a vehicle certificate may be issued, reissued, or renewed. The bond or the certificate of insurance shall include: (a) The name of the insured in the same manner as will appear on the master license; (b) operating name (c) inception and expiration dates of coverage; (d) the name of the insuring company; (e) the policy number; and (f) the year, make and vehicle identification number of each vehicle operated or intended to be operated.

(3) The director may refuse any insurance policy submitted with one or more of the following conditions present: (a) Any policy containing a deductible clause for any amount deductible, unless the policy clearly states that all claims under the policy will be directly paid in full to the claimant including the deductible amount by the insurer; (b) any policy containing a clause restricting the insured's age in regard to insurance validity; and (c) any policy which is determined to be a "surplus line" policy, as described in RCW 48.15.040, [without the appropriate affidavit being filed] with the office of the insurance commissioner.

(4) Cancellation: In the event of cancellation of the coverage noted on the policy, the insuring company shall serve a copy of such notice upon the director of the department of licensing which shall not be less than ten days prior to the date fixed in the notice as the date of termination of liability.

[Statutory Authority: 1996 c 87. 96-16-032, § 308-89-010, filed 8/1/96, effective 9/1/96. Statutory Authority: RCW 46.72.120. 85-21-034 (Order TL-RG-18), § 308-89-010, filed 10/11/85.]

Reviser's note: RCW 34.05.395 requires the use of underlining and deletion marks to indicate amendments to existing rules, and deems ineffectual changes not filed by the agency in this manner. The bracketed material in the above section does not appear to conform to the statutory requirement.

WAC 308-89-020 Definitions. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "For hire vehicle" as defined in chapter 87, Laws of 1996, RCW 46.72.010(1), 46.04.190, and such other vehicles used for the purpose of transporting passengers for compensation and not excluded in RCW or WAC.

(2) "Cabulance" cabulance transportation is appropriate for persons confined to wheelchairs or persons otherwise physically restricted such that they cannot be safely transported by public mass transportation vehicles, taxicabs, or

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automobiles. Persons transported by cabulance must be stable, must not be incapacitated from medications, nor in need of oxygen or medical attention enroute;

(3) "Business owner" means operator or carrier as defined in chapter 87, Laws of 1996 and RCW 46.72.010(2).

(4) "Person or persons" means an individual, a corporation, association, joint stock association, partnership, limited liability partnership or limited liability companies, or their lessees, trustees, or receivers.

(5) "Public highway" includes every public street, road, or highway in this state.

(6) "Master license" as defined in chapters 19.02 RCW.

(7) "Vehicle certificate" is a for hire vehicle certificate issued by the department which must be carried in the for hire vehicle at all times. The vehicle certificate is not the vehicle registration.

(8) "Operating name" means trade name as defined in chapter 19.80 RCW.

[Statutory Authority: 1996 c 87. 96-16-032, § 308-89-020, filed 8/1/96, effective 9/1/96. Statutory Authority: ESSB 6460 and RCW 46.72.120. 92-12-036, § 308-89-020, filed 5/29/92, effective 7/1/92. Statutory Authority: RCW 46.72.120. 85-21-034 (Order TL-RG-18), § 308-89-020, filed 10/11/85.]

WAC 308-89-030 Nonresident. A nonresident business owner of for hire vehicle(s) is one whose place of residence state does not participate in a reciprocal agreement with Washington state. Nonresident business owners are subject to any and all requirements and restrictions which apply to the resident business owner. Nonresident insurance certificates will not be accepted with any limiting clause or statement which may invalidate the coverage upon entrance into the state of Washington.

[Statutory Authority: 1996 c 87. 96-16-032, § 308-89-030, filed 8/1/96, effective 9/1/96. Statutory Authority: RCW 46.72.120. 85-16-088 (Order TL-RG-15), § 308-89-030, filed 8/6/85.]

WAC 308-89-040 Applications/for hire vehicle certificates. (1) All applications for a for hire business license shall be on a master application and accompanied by a filing fee as listed in WAC 308-060 and RCW 19.02.075.

(2) To acquire a vehicle certificate for each vehicle intended to be operated as a for hire vehicle, the for hire business shall submit to the department, the vehicle registration, the bond or certificate of insurance, and fees as defined in WAC 308-89-060.

(a) The certificate will be issued in the name of the business owner and the operating name. The bond or certificate of insurance and vehicle registration must be issued in the exact name of the business owner and trade name that will appear on the master license.

(b) The vehicle registration must have the use class recorded as either "CAB" or "F/H."

(3) Remittances shall be made by any legal tender as authorized by the department.

[Statutory Authority: 1996 c 87. 96-16-032, § 308-89-040, filed 8/1/96, effective 9/1/96. Statutory Authority: ESSB 6460 and RCW 46.72.120. 92-12-036, § 308-89-040, filed 5/29/92, effective 7/1/92. Statutory Authority: RCW 46.72.120. 85-16-088 (Order TL-RG-15), § 308-89-040, filed 8/6/85.]

WAC 308-89-050 Licenses. (1) The department will not issue a for hire business license to any person who does

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not meet the requirements established in chapter 46.72 RCW and chapter 308-89 WAC.

(2) For hire business licenses may not be leased, assigned, or otherwise transferred.

(3) The vehicle certificate must be renewed annually on, or before the expiration date. Failure to renew prior to the expiration date will result in penalty fees as defined in chapter 19.02 RCW. No vehicle may continue to be operated as a for hire vehicle if its vehicle certificate has expired.

(4) The vehicle certificate renewal must include the bond or certificate of insurance.

[Statutory Authority: 1996 c 87, 96-16-032, § 308-89-050, filed 8/1/96, effective 9/1/96. Statutory Authority: ESSB 6460 and RCW 46.72.120. 92-12-036, § 308-89-050, filed 5/29/92, effective 7/1/92. Statutory Authority: RCW 46.72.120. 85-16-088 (Order TL-RG-15), § 308-89-050, filed 8/6/85.]

WAC 308-89-060 Fees. The department, as authorized in RCW 46.72, shall charge and collect the following fees:

New for hire business application	\$20.00
New vehicle certificate	20.00
Vehicle certificate renewal	20.00
Change of vehicle certificate	20.00
Duplicate vehicle certificate	20.00

[Statutory Authority: 1996 c 87, 96-16-032, § 308-89-060, filed 8/1/96, effective 9/1/96. Statutory Authority: ESSB 6460 and RCW 46.72.120. 92-12-036, § 308-89-060, filed 5/29/92, effective 7/1/92.]

Chapter 308-90 WAC

VESSEL DEALER REGISTRATION

WAC

308-90-030	Definitions.
308-90-040	Dealer registration application form.
308-90-060	Display of registration.
308-90-070	Dealer registration numbers.
308-90-080	Registration fee—Renewal.
308-90-090	Change of business location.
308-90-100	Termination of business.
308-90-110	Statement of change in business structure, ownership interest or control.
308-90-120	Trust account.
308-90-130	Consignment.
308-90-140	Listing.
308-90-150	Title transfer.
308-90-160	Bond exemption.

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308-90-010	Promulgation authority. [Statutory Authority: Chapter 7, Laws of 1983, 83-14-061 (Order 722 DOL), § 308-90-010, filed 7/1/83.] Repealed by 88-03-038 (Order DLR-162), filed 1/19/88. Statutory Authority: 1987 c 149 § 1.
308-90-020	Organization. [Statutory Authority: Chapter 7, Laws of 1983, 83-14-061 (Order 722 DOL), § 308-90-020, filed 7/1/83.] Repealed by 88-03-038 (Order DLR-162), filed 1/19/88. Statutory Authority: 1987 c 149 § 1.
308-90-050	Branch location—Separate registration. [Statutory Authority: Chapter 7, Laws of 1983, 83-14-061 (Order 722 DOL), § 308-90-050, filed 7/1/83.] Repealed by 88-03-038 (Order DLR-162), filed 1/19/88. Statutory Authority: 1987 c 149 § 1.

WAC 308-90-030 Definitions. (1) "Firm" means a person, partnership, association or corporation engaged in the business of selling vessels at retail or wholesale in this state.

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(2) "Display decal" means a vessel dealer identifier designed and produced by the department which is used by Washington registered vessel dealers.

(3) "Identification card" is a card that may be issued by a firm identifying a person as authorized to operate vessels for vessel dealer business.

(4) "Bona fide employee" is a person who works for the firm and appears on the firm's employment records.

(5) "Consignment" means an arrangement whereby a vessel dealer accepts entrustment of a vessel and agrees to sell the vessel on behalf of another.

(6) "Listing" means an arrangement whereby the seller will compensate the vessel dealer to obtain a willing purchaser for the seller's vessel.

(7) "Broker" means a vessel dealer who arranges the sale between the buyer and seller of a vessel and receives a form of compensation.

[Statutory Authority: 1987 c 149 § 1, 88-03-038 (Order DLR-162), § 308-90-030, filed 1/19/88. Statutory Authority: 1983 c 7, 83-14-061 (Order 722 DOL), § 308-90-030, filed 7/1/83.]

WAC 308-90-040 Dealer registration application form. How do I apply for a vessel dealer registration?

Any firm making application for registration as a vessel dealer under chapter 88.02 RCW shall, on a form provided by the department, provide the following information:

(1) The name and business address of the firm and a list of additional business addresses of the firm, if any.

(2) The name of all owners of ten percent or more of the assets of the firm and title(s) of office held, if any.

(3) The firm's business structure and place of organization.

(4) The uniform business identification number issued by the department of licensing.

(5) Whether the applicant has been adjudged guilty of a crime which directly relates to the marine trade industry and the time elapsed since the conviction is less than ten years, and in the case of a corporation, partnership, or limited liability company all directors, officers, partners or members.

(6) Any other information the department may reasonably require.

[Statutory Authority: RCW 88.02.100. 03-22-095, § 308-90-040, filed 11/5/03, effective 12/6/03; 02-05-073, § 308-90-040, filed 2/20/02, effective 3/23/02. Statutory Authority: 1987 c 149 § 1, 88-03-038 (Order DLR-162), § 308-90-040, filed 1/19/88. Statutory Authority: 1983 c 7, 83-14-061 (Order 722 DOL), § 308-90-040, filed 7/1/83.]

WAC 308-90-060 Display of registration. (1) The registration of a dealer shall be prominently displayed, visible to the public at the address appearing on the registration.

(2) A copy of the vessel dealer registration shall be displayed as in subsection (1) of this section at all business locations of the firm.

[Statutory Authority: 1987 c 149 § 1, 88-03-038 (Order DLR-162), § 308-90-060, filed 1/19/88. Statutory Authority: 1983 c 7, 83-14-061 (Order 722 DOL), § 308-90-060, filed 7/1/83.]

WAC 308-90-070 Dealer registration numbers. How do I use my dealer registration number and my registration card?

(1) The department shall assign a registration number to each firm registered as a dealer. In addition, the department shall issue a registration card, as ordered by the dealer, indicating the dealer number and separate suffix letters. The registration number shall be consistent with the standard numbering system for vessels set forth in volume 33, part 174, of the Code of Federal Regulations. (Example: WN 7XXX —)

(2) Dealer registration numbers may be displayed on vessels owned by the dealer when being operated on the water pursuant to RCW 88.02.023. No two vessels may display the same dealer registration number at the same time. The dealer registration card corresponding to the displayed registration number must be kept inside the vessel during such operation.

(3) Dealer registration numbers shall be displayed in three inch block numbers/letters on both sides of the forward one-half of the vessel. Dealer registration numbers may be affixed to a removable display fixture. The numbers/letters shall be displayed in a single line.

[Statutory Authority: RCW 88.02.100. 02-05-073, § 308-90-070, filed 2/20/02, effective 3/23/02; 96-24-042, § 308-90-070, filed 11/27/96, effective 12/28/96. Statutory Authority: 1987 c 149 § 1. 88-03-038 (Order DLR-162), § 308-90-070, filed 1/19/88. Statutory Authority: 1983 c 7. 83-14-061 (Order 722 DOL), § 308-90-070, filed 7/1/83.]

WAC 308-90-080 Registration fee—Renewal. What fees do I pay for the vessel dealer registration, its renewal and dealer decals?

(1) Any firm desiring to be a dealer must include with the application the required registration fee of one hundred twenty dollars.

(2) Vessel dealers must reapply for a registration on or before the expiration of their registration.

(3) The annual registration renewal fee of sixty dollars must be paid on or before each renewal date. If an application for renewal is not received by the department on or before the last day of the expiration month the registration is expired. The registration may be reinstated at any time within the next succeeding thirty days if renewal application and payment of the annual renewal fee, then in default, are received by the department. Registrations not renewed within thirty days of the renewal date shall be cancelled. A new registration may be obtained by satisfying the procedures and qualifications for initial registration.

(4) If no department denial action is pending, the department shall issue a vessel dealer registration and renewal decals depicting the expiration of the registration upon receipt of a dealer's renewal fee and renewal application. The dealer shall affix the decal as a prefix to the dealer registration number on any vessels operated on the waters pursuant to RCW 88.02.023. The fee for the initial decal shall be forty dollars. Additional decals may be issued for a fee of twenty dollars for each set.

[Statutory Authority: RCW 88.02.100. 02-05-073, § 308-90-080, filed 2/20/02, effective 3/23/02. Statutory Authority: RCW 88.02.060(4). 89-18-028, § 308-90-080, filed 8/29/89, effective 9/29/89. Statutory Authority: 1987 c 149 § 1. 88-03-038 (Order DLR-162), § 308-90-080, filed 1/19/88. Statutory Authority: 1983 c 7. 83-14-061 (Order 722 DOL), § 308-90-080, filed 7/1/83.]

WAC 308-90-090 Change of business location. What must I do to change business locations?

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The dealer must notify the department of any change of the firm's business location or mailing address prior to engaging in business at the new location. Notification shall be made by filing a change of address application on a form provided by the department. The vessel dealer will be required to provide a list of all business locations of the firm when changing the business address of the firm's office.

[Statutory Authority: RCW 88.02.100. 02-05-073, § 308-90-090, filed 2/20/02, effective 3/23/02. Statutory Authority: 1987 c 149 § 1. 88-03-038 (Order DLR-162), § 308-90-090, filed 1/19/88. Statutory Authority: 1983 c 7. 83-14-061 (Order 722 DOL), § 308-90-090, filed 7/1/83.]

WAC 308-90-100 Termination of business. What do I do with the dealer registration upon termination of business?

The registration must be retained at all times by the dealer. When the dealer ceases to do business in the name or at the location indicated on the registration the dealer must immediately notify the director of the termination and return the registration to the department; attention Dealer/Manufacturer Services.

[Statutory Authority: RCW 88.02.100. 02-05-073, § 308-90-100, filed 2/20/02, effective 3/23/02. Statutory Authority: 1983 c 7. 83-14-061 (Order 722 DOL), § 308-90-100, filed 7/1/83.]

WAC 308-90-110 Statement of change in business structure, ownership interest or control. What if the business structure or ownership changes?

Any person, firm, association, limited liability company (L.L.C.), corporation or trust registered as a dealer must, within ten days following any change in its business or ownership structure, file with the department a statement describing with particularity the change in its business structure or the change in its ownership interest. In addition, persons newly assuming executive or control functions, including but not limited to new L.L.C. members, corporate officers, directors, majority stockholders, managing partners, or managing trustees, must file within ten days of assuming such function.

[Statutory Authority: RCW 88.02.100. 02-05-073, § 308-90-110, filed 2/20/02, effective 3/23/02. Statutory Authority: 1987 c 149 § 1. 88-03-038 (Order DLR-162), § 308-90-110, filed 1/19/88. Statutory Authority: 1983 c 7. 83-14-061 (Order 722 DOL), § 308-90-110, filed 7/1/83.]

WAC 308-90-120 Trust account. (1) The dealer's separate trust account cannot accrue interest.

(2) Any fees assessed by the depository against the trust account shall not be paid from purchasers trust funds.

[Statutory Authority: 1987 c 149 § 1. 88-03-038 (Order DLR-162), § 308-90-120, filed 1/19/88.]

WAC 308-90-130 Consignment. How do I handle consignment sales?

(1) All funds received from purchasers, including deposits, payments, or proceeds from the sale of trade-in vessels on a consignment sale, shall be placed in the vessel dealers trust account as required in RCW 88.02.220, and those funds shall remain in such trust account until the consignor's and the legal owner's interest, if any, have been fully satisfied.

(2) If the sale of a consigned vessel is a retail sale the vessel dealer is required to transfer title as required by RCW 88.02.125.

[Statutory Authority: RCW 88.02.100. 02-05-073, § 308-90-130, filed 2/20/02, effective 3/23/02; 96-24-042, § 308-90-130, filed 11/27/96, effective 12/28/96. Statutory Authority: 1987 c 149 § 1. 88-03-038 (Order DLR-162), § 308-90-130, filed 1/19/88.]

WAC 308-90-140 Listing. How would I handle the trust account relative to listed vessels?

(1) All funds received from purchasers, including deposits, payments, or proceeds from the sale of trade-in vessels on a listing sale shall be placed in the vessel dealer's trust account as required by RCW 88.02.220, and those funds shall remain in such trust account until the listed vessel sale is completed.

(2) At the time the sale is completed, and at vessel delivery, the listing dealer shall pay any outstanding liens from trust funds in order to obtain title for transfer.

(3) If the sale of a listed vessel is a retail sale the vessel dealer is required to transfer title as provided by RCW 88.02.-125.

[Statutory Authority: RCW 88.02.100. 02-05-073, § 308-90-140, filed 2/20/02, effective 3/23/02. Statutory Authority: 1987 c 149 § 1. 88-03-038 (Order DLR-162), § 308-90-140, filed 1/19/88.]

WAC 308-90-150 Title transfer. How must I handle the title in a retail sale?

(1) The vessel dealer is required to make application for title in the purchaser's name within thirty days following the retail sale of the vessel.

(2) The vessel dealer or the dealer's authorized agent shall sign or type their firm name and vessel dealer number on the purchaser's application for title. An authorized agent must give their title.

[Statutory Authority: RCW 88.02.100. 02-05-073, § 308-90-150, filed 2/20/02, effective 3/23/02; 92-06-009, § 308-90-150, filed 2/24/92, effective 3/26/92. Statutory Authority: 1987 c 149 § 1. 88-03-038 (Order DLR-162), § 308-90-150, filed 1/19/88.]

WAC 308-90-160 Bond exemption. How can I be exempt from the requirement for a surety bond?

(1) Applicants or registered vessel dealers desiring to be exempt from the bonding requirement must provide a statement to the department that they sell fifteen or fewer vessels per year none of which has a retail value of more than two thousand dollars each.

(2) Registered vessel dealers who have stated that they qualify for the exemption shall immediately file the required surety bond with the department at the time their sales exceed the statutory exemption number or value. Failure to file the bond will subject the vessel dealer to penalties prescribed in RCW 88.02.188.

[Statutory Authority: RCW 88.02.100. 02-05-073, § 308-90-160, filed 2/20/02, effective 3/23/02; 96-24-042, § 308-90-160, filed 11/27/96, effective 12/28/96. Statutory Authority: 1987 c 149 § 1. 88-03-038 (Order DLR-162), § 308-90-160, filed 1/19/88.]

Chapter 308-91 WAC

RECIPROCITY AND PRORATION

WAC

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308-91-010

Proration and reciprocity agreements. [Statutory Authority: RCW 46.01.110 and 46.87.010(2). 90-16-072, § 308-91-010, filed 7/30/90, effective 9/1/90. Statutory Authority: RCW 46.87.010(2), 46.01.110 and chapters 46.87 and 46.85 RCW. 88-06-061 (Order PFT 8803), § 308-91-010, filed 3/2/88. Statutory Authority: RCW 46.01.110. 84-02-019 (Order 739 DOL), § 308-91-010, filed 12/28/83.] Repealed by 00-01-150, filed 12/21/99, effective 1/21/00. Statutory Authority: RCW 46.87.010.

308-91-020

Instructions, procedures and declarations. [Statutory Authority: RCW 46.01.110. 84-02-019 (Order 739 DOL), § 308-91-020, filed 12/28/83.] Repealed by 88-06-061 (Order PFT 8803), filed 3/2/88. Statutory Authority: RCW 46.87.010(2), 46.01.110 and chapters 46.87 and 46.85 RCW.

308-91-070

Quarterly licensing for proportionally registered vehicles. [Statutory Authority: RCW 46.01.110 and 46.87.010(2). 90-16-072, § 308-91-070, filed 7/30/90, effective 9/1/90. Statutory Authority: RCW 46.87.-010(2), 46.01.110 and chapters 46.87 and 46.85 RCW. 88-06-061 (Order PFT 8803), § 308-91-070, filed 3/2/88. Statutory Authority: RCW 46.01.110. 84-02-019 (Order 739 DOL), § 308-91-070, filed 12/28/83.] Repealed by 94-13-012, filed 6/2/94, effective 7/3/94. Statutory Authority: RCW 46.87.010(2).

308-91-100

Operation of rental vehicles. [Statutory Authority: RCW 46.01.110. 84-02-019 (Order 739 DOL), § 308-91-100, filed 12/28/83.] Repealed by 88-06-061 (Order PFT 8803), filed 3/2/88. Statutory Authority: RCW 46.87.010(2), 46.01.110 and chapters 46.87 and 46.85 RCW.

308-91-110

Utility trailer rentals—Certified average registration plan. [Statutory Authority: RCW 46.01.110. 84-02-019 (Order 739 DOL), § 308-91-110, filed 12/28/83.] Repealed by 88-06-061 (Order PFT 8803), filed 3/2/88. Statutory Authority: RCW 46.87.010(2), 46.01.110 and chapters 46.87 and 46.85 RCW.

308-91-160

Reciprocity for combinations of vehicles. [Statutory Authority: RCW 46.87.010(2), 46.01.110 and chapters 46.87 and 46.85 RCW. 88-06-061 (Order PFT 8803), § 308-91-160, filed 3/2/88.] Repealed by 90-16-072, filed 7/30/90, effective 9/1/90. Statutory Authority: RCW 46.01.110 and 46.87.010(2).

308-91-170

Washington fee/tax receipt. [Statutory Authority: RCW 46.87.010(2), 46.01.110 and chapters 46.87 and 46.85 RCW. 88-06-061 (Order PFT 8803), § 308-91-170, filed 3/2/88.] Repealed by 00-01-150, filed 12/21/99, effective 1/21/00. Statutory Authority: RCW 46.87.010.

WAC 308-91-030 Definitions. The definitions set forth below, and in chapters 46.04, 46.85, and 46.87 RCW, apply throughout this chapter.

For the purpose of this code, the terms "apportioned," "proration," "prorate," "International Registration Plan (IRP)," and "proportional registration" are synonymous.

(1) "Backing plate" means a license plate which is designed for displaying validation decals, stickers or tabs.

(2) "Base jurisdiction," means the jurisdiction in which the owner has "properly registered" vehicle(s) of a fleet as defined in RCW 46.87.020(14).

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(3) "Bus" (BS) means every motor vehicle designed for carrying more than five passengers and the driver and used primarily for the transportation of people.

(4) "Combination of vehicles" means a power unit used in combination with trailer(s), semitrailer(s) and/or converter gear.

(5) "Converter gear" (CG) means an auxiliary under carriage assembly with the fifth wheel and tow bar, used to convert a semitrailer to a full trailer.

(6) "Department" means the department of licensing, state of Washington.

(7) "Dump truck" (DT) means a truck whose contents are unloaded by tilting the truck bed backward with the tailgate open.

(8) "Experience period." See "preceding year" definition.

(9) "Full trailer" (FT) means every vehicle without motive power, designed for carrying persons or property, drawn by a motor vehicle and so constructed that no part of its weight rests upon the towing vehicle.

(10) "Interstate or interjurisdiction movement" means vehicle movement between or through two or more jurisdictions.

(11) "Intrastate or intrajurisdiction movement" means vehicle movement within a single jurisdiction, from one point within that jurisdiction to another point within the same jurisdiction.

(12) "Latest purchase cost or price" means the actual purchase cost or price, if reasonable, for a vehicle paid by the current owner, including the value of any trade-in or other valuable considerations, cost of accessories and modifications but excluding taxes, transportation or shipping costs, and preparatory or delivery costs. Reasonable purchase cost is considered to be the value of the vehicle as determined from guide books, reports or compendiums of value recognized in the automotive industry. All values are to be expressed in United States dollars.

(13) "Lessee" means a person, firm or corporation which has legal possession and control of a vehicle owned by another under the terms of a lease agreement.

(14) "Lessor" means a person, firm or corporation which, under the terms of a lease, grants the legal right of possession, control of and responsibility for the operation of the vehicle to another person, firm or corporation.

(15) "Mileage year." See "preceding year" definition.

(16) "Owner-operator" means an equipment lessor who leases their vehicle with driver to a carrier.

(17) "Preceding year" means the period of twelve consecutive months prior to July 1st of the year immediately before the commencement of the registration or license year for which apportioned registration is sought. This term is used interchangeably with experience period and mileage year.

(18) "Reciprocity jurisdiction" means a jurisdiction with which the state of Washington extends vehicle license reciprocity as provided for in chapter 46.85 RCW.

(19) "Road tractor" (RT) means every motor vehicle designed without a fifth wheel and used for drawing other vehicles by use of a ball hitch and so constructed as to carry part of the weight of a vehicle or load so drawn (commonly referred to as a mobile home toter).

(20) "Semitrailer" (ST) means every vehicle without motive power designed for carrying persons or property and for being drawn by a motor vehicle and so constructed that some part of its weight and that of its load rests upon or is carried by the towing vehicle.

(21) "Tractor" (TR) means every motor vehicle designed and used primarily for drawing other vehicles but not so constructed as to carry a load other than a part of the weight of the vehicle and load so drawn.

(22) "Trip lease" means a lease of vehicle(s) to a carrier (lessee) for a single interjurisdictional movement. The term may also include a similar intrajurisdictional movement where such movement is authorized under the laws of the jurisdiction.

(23) "Truck" (TK) means every motor vehicle designed, used or maintained primarily for the transportation of property (the maximum gross weight for solo trucks with three axles is 54,000 pounds) under RCW 46.87.040.

(24) "Truck tractor" (TT) means every motor vehicle designed and used primarily for drawing other vehicles but so constructed as to carry a load thereon in addition to a part of the weight of the vehicle and load so drawn (dromedary).

(25) "Utility trailer" means any full trailer or semitrailer constructed and used solely for the purpose of carrying property and not to exceed a gross weight of 6,000 pounds.

[Statutory Authority: RCW 46.87.010, 00-01-150, § 308-91-030, filed 12/21/99, effective 1/21/00. Statutory Authority: RCW 46.87.010(2), 94-13-012, § 308-91-030, filed 6/2/94, effective 7/3/94. Statutory Authority: RCW 46.01.110 and 46.87.010(2), 91-06-093, § 308-91-030, filed 3/6/91, effective 4/6/91; 90-16-072, § 308-91-030, filed 7/30/90, effective 9/1/90. Statutory Authority: RCW 46.87.010 (1) and (2) and 46.87.020, 89-07-036 (Order PFT 89-04), § 308-91-030, filed 3/10/89. Statutory Authority: RCW 46.87.010(2), 46.01.110 and chapters 46.87 and 46.85 RCW, 88-06-061 (Order PFT 8803), § 308-91-030, filed 3/2/88. Statutory Authority: RCW 46.01.110, 84-02-019 (Order 739 DOL), § 308-91-030, filed 12/28/83.]

WAC 308-91-040 General provisions. (1) Can carriers separate their apportionable vehicles into more than one fleet? Yes, carriers may separate their apportionable vehicles into two or more fleets.

(2) Can a fleet consist of both motor and nonmotor vehicles? No, a fleet must consist of either motor or nonmotor vehicles.

(3) What are proportional registration credentials? Proportional registration credentials consist of a current cab card, vehicle license plate and validation tabs.

(4) How must I display my cab card? The original cab card must be carried in or on the vehicle to which it has been issued, or in the case of a trailing unit, may be carried in the power unit. If you have renewed for a subsequent registration year but are still operating in the current registration year, you are required to carry both cab cards.

(5) Are photocopies of the cab card acceptable? Photocopies or other facsimiles of any cab card cannot be used for the power unit but may be used for any trailing unit.

(6) May my proportional registration credentials be transferred? Vehicle license plates and validation tabs may be transferred when moving the vehicles from one fleet to another fleet for the same registrant. Cab card(s) cannot be transferred under any circumstance.

(7) When must I surrender my proportional registration credentials? Cab card(s) must be surrendered in order to

receive license fee credit unless the supplement is filed electronically.

(8) Under what circumstances may Washington license fees be adjusted? For unpaid invoices, Washington license fees may be adjusted, in one-twelfth increments, if reasonable cause has been established. Reasonable cause may be considered as the demise of the registrant, destruction of a vehicle, theft or other cause the department determines otherwise acceptable. Washington license fees may also be adjusted by audit.

[Statutory Authority: RCW 46.87.010. 00-01-150, § 308-91-040, filed 12/21/99, effective 1/21/00. Statutory Authority: RCW 46.87.010(2). 94-13-012, § 308-91-040, filed 6/2/94, effective 7/3/94. Statutory Authority: RCW 46.01.110 and 46.87.010(2). 90-16-072, § 308-91-040, filed 7/30/90, effective 9/1/90. Statutory Authority: RCW 46.87.080, 46.87.130, 46.87.140, 88.44.060 [82.44.060], 46.87.010(2) and 82.44.100. 89-07-035 (Order PFT 89-03), § 308-91-040, filed 3/10/89. Statutory Authority: RCW 46.87.010(2), 46.01.110 and chapters 46.87 and 46.85 RCW. 88-06-061 (Order PFT 8803), § 308-91-040, filed 3/2/88. Statutory Authority: RCW 46.01.110. 84-02-019 (Order 739 DOL), § 308-91-040, filed 12/28/83.]

WAC 308-91-050 Applications for proportional registration. (1) How do I apply for proportional registration? Application for proportional registration must be submitted to the prorate section. Incorrect, illegible, unsigned or incomplete applications may be returned.

(2) What titling/registration options are available to owner-operators registering vehicles under the IRP? Options available for owner-operators registering under the IRP are as follows:

(a) The owner-operator may be the registrant. The vehicle(s) will be titled and registered in the owner-operator's name only. The cab card will show the name of the owner-operator followed by the name of the carrier to whom the vehicle(s) and driver(s) are leased for operations. The owner-operator will be responsible for registration of such vehicle(s), and establishing and maintaining records required of proportionally registered fleets.

(b) The carrier (lessee) may be the registrant. The vehicle(s) will be titled and registered in the names of both the carrier as lessee and the owner-operator as lessor. The carrier will be responsible for registration of such vehicle(s), and establishing and maintaining records required of proportionally registered fleets.

(3) What titling/registration options are available to household goods carriers registering vehicles under the IRP? Household goods carriers may register vehicles under the IRP in the following ways:

(a) When the agent is the lessor and the company is the lessee, you may title and register as dual applicants. Under this procedure, the lessor's fleet is prorated in its name and cab cards are issued in the name of both the lessor and lessee. The IRP application is based on the lessor's vehicles and the mileage accumulated by the lessor under its name and that of the lessee; or

(b) Owner-operators, other than service representatives, who exclusively transport cargo for household goods carriers, shall register their vehicle in the carriers base jurisdiction. Registration shall be in both the owner-operator's name and that of the carrier as lessee.

(4) What is a temporary letter of authority? A temporary letter of authority, issued by the department that allows

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operation of a vehicle pending issuance of permanent credentials.

(5) May I receive a temporary letter of authority? Yes, you may receive a temporary letter of authority if the proportional registration supplement - Schedule "A & C" and supporting documents relating to such vehicles are acceptable, on file and under any of the following conditions:

(a) The applicant's proportional registration account is on active status and considered to be in good standing; or

(b) If you have an existing account and are starting a new fleet; or

(c) If the vehicle is currently prorated or fully licensed in the state of Washington and the registrant is establishing a new prorate account.

(6) How long is the temporary letter of authority effective? The department may determine the duration of the temporary letter of authority, not to exceed two months from the effective date.

(7) How can I receive a temporary letter of authority? A temporary letter of authority is issued in one of the following ways:

(a) Mail;

(b) Facsimile transmission; or

(c) At prorate and fuel tax licensing services offices.

[Statutory Authority: RCW 46.87.010. 00-01-150, § 308-91-050, filed 12/21/99, effective 1/21/00. Statutory Authority: RCW 46.87.010(2). 94-13-012, § 308-91-050, filed 6/2/94, effective 7/3/94. Statutory Authority: RCW 46.01.110 and 46.87.010(2). 90-16-072, § 308-91-050, filed 7/30/90, effective 9/1/90. Statutory Authority: RCW 46.87.080, 46.87.130, 46.87.140, 88.44.060 [82.44.060], 46.87.010(2) and 82.44.100. 89-07-035 (Order PFT 89-03), § 308-91-050, filed 3/10/89. Statutory Authority: RCW 46.87.010(2), 46.01.110 and chapters 46.87 and 46.85 RCW. 88-06-061 (Order PFT 8803), § 308-91-050, filed 3/2/88. Statutory Authority: RCW 46.01.110. 84-02-019 (Order 739 DOL), § 308-91-050, filed 12/28/83.]

WAC 308-91-060 Reporting actual and estimated mileage and prorate percentage. (1) How does the preceding year mileage relate to the application Schedule B? The Schedule B application is used to list all actual miles traveled by all apportioned vehicles licensed with the fleet during the period of July 1st through June 30th of the preceding year and estimated annual miles in new jurisdictions where travel is intended.

(2) How are the miles listed on the Schedule B used? The miles are used to determine a jurisdiction's prorate percentage. The jurisdiction's prorate percentage determines how much of the jurisdiction's fees will be charged. The jurisdiction's mileage will be divided by an appropriate total mile figure to determine that percentage.

(3) Would there be any time in which actual miles would not be reported on my Schedule B application? Yes, if an apportioned vehicle did not operate in two or more jurisdictions during the registration year, you would not include those vehicle miles on the Schedule B.

(4) What is the registration year? A registration year is any twelve-month time period in which apportioned vehicles are registered in any given fleet.

(5) When would estimated miles be used on my application Schedule B for the registration year? You would use estimated miles under one of the following conditions:

(a) First year operation of a new account or fleet; or

(b) When a registrant wants to expand operations into new jurisdiction(s); or

(c) If the fleet failed to accumulate actual miles during the preceding year into jurisdiction(s) not traveled in which the fleet was registered and registration is still desired.

If there is a major change of operation to an existing fleet during the registration year, you will need to submit an amended application Schedule B. The Schedule B will list estimated miles for all jurisdictions in which you desire apportioned registration for the new operation.

(6) **How do I report my mileage if I incorporate?** If you incorporate, you must use estimated miles as a new account unless you have at least three months of actual mileage during the preceding year.

(7) **What is a major change of operation?** There are two types of major change of operations. They are:

(a) A major change of operation occurs when fleet mileage and registered jurisdictions increase more than fifty percent during the registration period; and

(b) Any change in registration pattern, which leaves Washington the only registration jurisdiction with actual mileage in the preceding year.

(8) **What mileage would I report on the application Schedule B for my trailer fleet?** Use either the mileage traveled by trailers of the fleet or use the mileage traveled by the motor vehicles while used in combination with the trailers of the fleet. In instances where the use of mileage accumulated by the trailer fleet is impractical, see measures provided under the provisions of RCW 46.87.120(3) or the International Registration Plan.

(9) **What type of conditions would cause my application Schedule B to be rejected?** The department may reject an application Schedule B based upon, but not limited to, the following examples:

(a) Estimated mileage that does not realistically reflect proposed operations;

(b) Mileage data, other than estimated mileage, expressed in rounded off numbers on renewal applications; or

(c) Identical mileage data reported for consecutive registration years for the same fleet.

(10) **How does the department treat actual or estimated miles in the determination of the prorate percentage?** The department has adopted a consistent approach. Any jurisdiction which shows actual miles will have a prorate percentage based on the total actual miles traveled by the fleet. Any jurisdiction which shows estimated miles will have a percentage based on the total actual miles and estimated miles by the fleet.

(11) **What is the result of an applicant answering either Y or N on the application Schedule B?** A Y indicates that the applicant requests registration in a jurisdiction and apportioned fees will be calculated. An N indicates that the applicant does not request registration in a jurisdiction and no apportioned fees will be calculated.

(12) **How do I determine my apportionable miles?** Apportionable miles are accumulated by registered apportionable vehicles and determined as follows:

(a) Include only those miles for a vehicle which traveled in two or more jurisdictions during the registration year. If a vehicle did not travel interstate during the registration year,

do not include the mileage for that vehicle in your apportionable miles; and

(b) Except as noted in (a) of this subsection, the mileage reported must be the actual miles accumulated by those vehicles that were part of the proportionally registered fleet during the preceding year.

(c) If a vehicle was part of the proportionally registered fleet for only a part of the preceding year, then only the miles accumulated by this vehicle during the time it was a part of the fleet are to be included in the preceding year.

(d) If a carrier has more than one proportionally registered fleet, a separate mileage report must be kept for each fleet.

[Statutory Authority: RCW 46.87.010. 00-01-150, § 308-91-060, filed 12/21/99, effective 1/21/00. Statutory Authority: RCW 46.87.010(2). 94-13-012, § 308-91-060, filed 6/2/94, effective 7/3/94. Statutory Authority: RCW 46.01.110 and 46.87.010(2). 90-16-072, § 308-91-060, filed 7/30/90, effective 9/1/90. Statutory Authority: RCW 46.87.010(2), 46.01.110 and chapters 46.87 and 46.85 RCW. 88-06-061 (Order PFT 8803), § 308-91-060, filed 3/2/88. Statutory Authority: RCW 46.01.110. 84-02-019 (Order 739 DOL), § 308-91-060, filed 12/28/83.]

WAC 308-91-080 Temporary authorization permits TAPs. (1) **What is a temporary authorization permit?** A temporary authorization permit is a department authorized permit that allows a carrier immediate operation of vehicles in their fleet pending issuance of proportional registration credentials. Once authorized by the department, the carrier may issue TAPs as necessary.

(2) **Who may qualify for TAPs?** Washington TAPs are available to Washington based carriers.

(3) **How may I obtain TAPs?** Carriers desiring to utilize TAPs must contact the department. Upon approval, the carrier may place an order for TAPs on a form prescribed by the department.

(4) **Once issued for a vehicle, how long is a TAP valid?** Each TAP is valid for a period of two months from the date of issuance by the carrier.

(5) **What are the procedures and guidelines for using TAPs?** The following procedures govern the use and issuance of these permits:

(a) TAPs are serially numbered and must be issued in sequential order;

(b) Carriers are accountable and liable for all TAPs purchased from the department;

(c) TAPs are not transferable to another carrier;

(d) No refunds or credits will be given for unused TAPs sold by the department to the carrier.

(6) **What is the purpose of TAPs?** TAPs may be used to:

(a) Add vehicles to established fleets;

(b) Increase gross weight of vehicles in established fleets;

(c) Add jurisdictions to established fleets; or

(d) Establish a new fleet.

(7) **What should I do if I make an error completing the TAP?** If an error is made in the account name, issue date, expiration date, gross weight, serial/identification number blanks or in the jurisdiction/weight section, void the permit by printing the word in large letters across the face of the permit. Return the vehicle copy and prorate copy to the department within one week.

(8) How are the copies of the TAP distributed?

(a) The original TAP marked "To accompany the vehicle" is to be carried in the vehicle to which it was issued; however, if the vehicle is a trailing unit, it may be carried in the power unit;

(b) The "Applicant's" copy of the permit is to be retained in the carrier's files for a period of four years pending possible audit under the provisions of RCW 46.87.310; and

(c) The "Prorate" copy is to be attached to a Washington prorate application supplement.

(9) When must I submit my TAPs? Return the prorate copy with the supplemental application to the prorate section within seven calendar days of issuance. The TAP copy to be submitted to prorate states at the bottom of the form "Prorate Copy."

(10) Under what circumstances may the department suspend or cancel my TAP account? Your TAP account may be suspended or canceled for:

(a) Failure to comply with chapter 46.87 RCW and chapter 308-91 WAC; or

(b) Failure to make timely payment of registration fees, taxes or audit assessments.

[Statutory Authority: RCW 46.87.010. 00-01-150, § 308-91-080, filed 12/21/99, effective 1/21/00. Statutory Authority: RCW 46.87.010(1) and 46.87.080(7). 95-05-045, § 308-91-080, filed 2/10/95, effective 3/13/95. Statutory Authority: RCW 46.01.110 and 46.87.010(2). 90-16-072, § 308-91-080, filed 7/30/90, effective 9/1/90. Statutory Authority: RCW 46.87.010(2), 46.01.110 and chapters 46.87 and 46.85 RCW. 88-06-061 (Order PFT 8803), § 308-91-080, filed 3/2/88. Statutory Authority: RCW 46.01.110. 84-02-019 (Order 739 DOL), § 308-91-080, filed 12/28/83.]

WAC 308-91-090 Leased and rented vehicles. How are leased or rented vehicles registered? The registration of leased or rental passenger vehicles will be conducted under the provisions of chapter 46.16 RCW. Trucks, tractors, and truck-tractors; trucks of one-way fleets (less than 26,000 pounds gross weight); trailers and semitrailers (exceeding 6,000 pounds gross weight), and utility trailers (not exceeding 6,000 pounds gross weight) may be registered under the provisions of Article XI of the International Registration Plan (IRP). In addition to the certificate of registration (cab card) or a photocopy, a copy of the rental/lease agreement must be carried in the rental/leased vehicle or if it is a nonpowered vehicle, the vehicle providing the motive power for the combination. Refer to WAC 308-91-030 for the definition of terms used in this section.

[Statutory Authority: Chapters 46.87 and 82.38 RCW. 00-16-045, § 308-91-090, filed 7/26/00, effective 8/26/00. Statutory Authority: RCW 46.87.010(2). 94-13-012, § 308-91-090, filed 6/2/94, effective 7/3/94. Statutory Authority: RCW 46.01.110 and 46.87.010(2). 91-06-093, § 308-91-090, filed 3/6/91, effective 4/6/91; 90-16-072, § 308-91-090, filed 7/30/90, effective 9/1/90. Statutory Authority: RCW 46.87.010(2), 46.01.110 and chapters 46.87 and 46.85 RCW. 88-06-061 (Order PFT 8803), § 308-91-090, filed 3/2/88. Statutory Authority: RCW 46.01.110. 84-02-019 (Order 739 DOL), § 308-91-090, filed 12/28/83.]

WAC 308-91-095 Trip leasing. What are the requirements for trip leasing? The requirements for trip leasing are as follows:

(1) The lessor's vehicles must be prorated in this state or operated under authority of vehicle trip permits.

(2) The duration of the lease agreement is for a single trip and cannot exceed thirty days.

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(3) A completed copy of the trip lease agreement must be carried in the lessor's vehicle throughout the duration of the lease.

(4) All mileage accumulated throughout the duration of the trip lease agreement will be recorded by the lessor and become a part of the lessor's mileage experience year. The mileage records, trip reports, and trip lease agreement must be maintained by the lessor for a period of four years following the mileage preceding year or period upon which the application is based.

(5) The lessor of a trip lease agreement is responsible for licensing and recordkeeping.

[Statutory Authority: RCW 46.87.010. 00-01-150, § 308-91-095, filed 12/21/99, effective 1/21/00. Statutory Authority: RCW 46.01.110 and 46.87.010(2). 91-06-093, § 308-91-095, filed 3/6/91, effective 4/6/91.]

WAC 308-91-120 Federal heavy vehicle use tax. (1) Who must show proof of payment of federal heavy vehicle use tax? The department of licensing requires owners of motor vehicles with a declared combined gross weight of 55,000 pounds or more to provide proof, acceptable to the department, that the federal heavy vehicle use tax imposed by section 4481 of the Internal Revenue Code of 1954 has been suspended or paid at the time of registration unless specifically exempt by the rules and regulations of the Internal Revenue Service.

(2) What does the department require for proof of payment of federal heavy vehicle use tax? Acceptable proof for registration purposes is either:

(a) The original or photocopy of an Internal Revenue Service (IRS) receipted Schedule 1 (IRS form 2290) schedule of highway motor vehicles; or

(b) Photocopy of IRS form 2290 with Schedule 1 as filed with the IRS and a photocopy of the front and back sides of the cancelled check used for the payment of taxes to the IRS.

(3) When is proof of payment of federal heavy vehicle use tax not required? If a vehicle is purchased within sixty days, proof of federal heavy vehicle use tax is not required at the time of registration.

(4) What happens if I do not provide proof of payment of the federal heavy vehicle use tax? The department shall refuse registration of such vehicles if sufficient proof is not presented at time of registration or renewal.

[Statutory Authority: RCW 46.87.010. 00-01-150, § 308-91-120, filed 12/21/99, effective 1/21/00. Statutory Authority: RCW 46.87.010(2), 46.01.110 and chapters 46.87 and 46.85 RCW. 88-06-061 (Order PFT 8803), § 308-91-120, filed 3/2/88.]

WAC 308-91-130 Hunter's permit. (1) What is a hunter's permit? A permit authorized by the department that allows owner-operators to move their empty (unladen) vehicle(s) from one lessee-carrier fleet to a new lessee-carrier fleet in which they will become a part of the fleet. This permit will be issued without cost and be valid for ten days from the date of issuance.

(2) Can my hunter's permit be used in other jurisdictions? Yes, a hunter's permit issued by an IRP jurisdiction to an owner-operator, who was formerly based in such jurisdiction, will be honored in this state or any other jurisdiction for operation at the unladen weight of the vehicle(s) listed therein.

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[Statutory Authority: RCW 46.87.010. 00-01-150, § 308-91-130, filed 12/21/99, effective 1/21/00. Statutory Authority: RCW 46.87.010(2), 46.01.110 and chapters 46.87 and 46.85 RCW. 88-06-061 (Order PFT 8803), § 308-91-130, filed 3/2/88.]

WAC 308-91-140 Vehicle transaction fee. How much is the vehicle transaction fee? The vehicle transaction fee is four dollars and fifty cents.

[Statutory Authority: RCW 46.87.010. 00-01-150, § 308-91-140, filed 12/21/99, effective 1/21/00. Statutory Authority: RCW 46.87.080, 46.87.130, 46.87.140, 88.44.060 [82.44.060], 46.87.010(2) and 82.44.100. 89-07-035 (Order PFT 89-03), § 308-91-140, filed 3/10/89. Statutory Authority: RCW 46.87.010(2), 46.01.110 and chapters 46.87 and 46.85 RCW. 88-06-061 (Order PFT 8803), § 308-91-140, filed 3/2/88.]

WAC 308-91-150 Dishonored checks. (1) What will happen if my check becomes dishonored? A dishonored check represents failure to pay proportional registration, fees and/or penalties and interest when due, and the department will enforce such proportional registration licensing and taxing laws as are necessary to recover the unpaid fees when they become due and payable.

(2) What form of payment does the department require for dishonored checks? Any registrant who tenders a check that is subsequently dishonored by a financial institution upon which it was drawn, may be required to tender all subsequent payments in certified funds, i.e., cash, cashier's check, certified check, traveler's check, official check, or money order.

(3) Are there any additional fees charged for a dishonored check (DHC)? Yes, a handling fee shall be assessed by the department for each check dishonored by the financial institution.

[Statutory Authority: RCW 46.01.110, 82.36.435, 82.38.260, 82.42.040, 46.87.010(2). 00-08-032, § 308-91-150, filed 3/28/00, effective 4/28/00. Statutory Authority: RCW 46.87.010(1) and 46.87.080(7). 95-05-045, § 308-91-150, filed 2/10/95, effective 3/13/95. Statutory Authority: RCW 46.87.010(2). 94-13-012, § 308-91-150, filed 6/2/94, effective 7/3/94. Statutory Authority: RCW 46.01.110 and 46.87.010(2). 91-06-093, § 308-91-150, filed 3/6/91, effective 4/6/91. Statutory Authority: RCW 46.87.010(2), 46.01.110 and chapters 46.87 and 46.85 RCW. 88-06-061 (Order PFT 8803), § 308-91-150, filed 3/2/88.]

WAC 308-91-171 Mitigation of fees, penalties and/or interest. (1) Under what circumstances may a fee, penalty and/or interest be mitigated? The department may mitigate, extinguish and/or adjust fees, penalties and/or interest arising from proportional registration transactions, assessments, and/or lack of complete records.

(2) How will the department determine whether fees, penalties and/or interest should be mitigated? The department will review records, accounts history or other information in arriving at its decision to mitigate.

[Statutory Authority: RCW 46.87.010. 00-01-150, § 308-91-171, filed 12/21/99, effective 1/21/00.]

WAC 308-91-172 Appeals. (1) What are the appeal procedures? Any person having been issued a notice of assessment for taxes, fees, penalties and/or interest who wishes to contest such notice may petition the department of licensing for an informal hearing in lieu of proceeding directly to a formal hearing. A petition for a hearing must be in writing and must be received by the department of licens-

ing within thirty days after the receipt of the notice of assessment. A petition shall set forth the specific reasons why reassessment is sought and the amount of tax, fees, penalties and/or interest that the petitioner believes to be due.

(2) What happens after the department receives the petition for an informal hearing? Upon receipt of a petition for an informal hearing, the department will establish the time and place for the hearing and notify the petitioner by mail at least ten days prior to the scheduled date. If the petitioner is unable to attend the hearing on the date or time scheduled, the petitioner may request the department to reschedule the hearing. The petitioner may appear in person or may be represented by an attorney, accountant, or any other person authorized to present the case.

(3) What happens if I fail to appear for my hearing without prior notification? Failure to appear may result in the loss of your administrative appeal rights.

(4) What happens following my informal hearing? The department will make a determination in accordance with the Revised Code of Washington, rules, and policies established by the department.

(5) What if I do not agree with the department's informal hearing determination? You may, within thirty days after the date of mailing of the determination, appeal in writing and request a formal hearing by an administrative law judge. The appeal shall indicate the portions of the determination that the petitioner feels are in error and set forth the reasons for believing that the decision should be amended. The department will establish a time and place for a formal hearing and give the petitioner at least ten days' notice.

(6) When does my reassessment become final? The department's decision of the department upon a petition for reassessment shall become final, due and payable thirty days after service upon the petitioner unless further appealed.

[Statutory Authority: RCW 46.87.010. 00-01-150, § 308-91-172, filed 12/21/99, effective 1/21/00.]

Chapter 308-93 WAC

VESEL REGISTRATION AND CERTIFICATES OF TITLE

WAC

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		308-93-072	UCC search requirements. [Statutory Authority: RCW 88.02.030, 88.02.070, 88.02.120, 88.02.130, 88.02.140, 88.02.150 and 88.02.100. 86-10-068 (Order TL/RG 25), § 308-93-072, filed 5/7/86.] Repealed by 92-24-035, filed 11/25/92, effective 12/26/92. Statutory Authority: RCW 88.02.070 and 88.02.100.
		308-93-073	New vessels. [Statutory Authority: RCW 88.02.070 and 88.02.100. 98-16-030, § 308-93-073, filed 7/29/98, effective 8/29/98. Statutory Authority: RCW 88.02.-030, 88.02.070, 88.02.120, 88.02.130, 88.02.140, 88.02.150 and 88.02.100. 86-10-068 (Order TL/RG 25), § 308-93-073, filed 5/7/86.] Repealed by 01-08-021, filed 3/27/01, effective 4/27/01. Statutory Authority: RCW 88.02.070 and 88.02.100.
		308-93-074	Application for titles—Commercial fishing vessels. [Statutory Authority: RCW 88.02.070 and 88.02.100. 92-24-035, § 308-93-074, filed 11/25/92, effective 12/26/92. Statutory Authority: RCW 88.02.120 and 88.02.100. 87-09-073 (Order TL/RG-32), § 308-93-074, filed 4/22/87. Statutory Authority: RCW 88.02.030, 88.02.070, 88.02.120, 88.02.130, 88.02.140, 88.02.150 and 88.02.100. 86-10-068 (Order TL/RG 25), § 308-93-074, filed 5/7/86.] Repealed by 98-16-030, filed 7/29/98, effective 8/29/98. Statutory Authority: RCW 88.02.070 and 88.02.100.
		308-93-075	Inspection of certificate. [Statutory Authority: RCW 88.02.070 and 88.02.100. 92-24-035, § 308-93-075, filed 11/25/92, effective 12/26/92. Statutory Authority: 1985 c 258. 85-23-066 (Order TL-RG-19), § 308-93-075, filed 11/19/85. Statutory Authority: RCW 88.02.-070 and 88.02.100. 84-13-086 (Order TL-RG-2), § 308-93-075, filed 6/21/84.] Repealed by 98-16-030, filed 7/29/98, effective 8/29/98. Statutory Authority: RCW 88.02.070 and 88.02.100.
		308-93-077	UCC search—Multiple legal owners. [Statutory Authority: 1985 c 258. 85-23-066 (Order TL-RG-19), § 308-93-077, filed 11/19/85.] Repealed by 92-24-035, filed 11/25/92, effective 12/26/92. Statutory Authority: RCW 88.02.070 and 88.02.100.
		308-93-080	Registration certificate. [Statutory Authority: RCW 88.02.070 and 88.02.100. 84-13-086 (Order TL-RG-2), § 308-93-080, filed 6/21/84. Statutory Authority: 1983 c 7 § 20 and 1983 2nd ex.s. c 3 § 46. 83-23-076 (Order 736-DOL), § 308-93-080, filed 11/18/83.] Repealed by 98-16-030, filed 7/29/98, effective 8/29/98. Statutory Authority: RCW 88.02.070 and 88.02.100.
		308-93-085	Contents of a certificate of registration. [Statutory Authority: RCW 88.02.070 and 88.02.100. 92-24-035, § 308-93-085, filed 11/25/92, effective 12/26/92; 84-13-086 (Order TL-RG-2), § 308-93-085, filed 6/21/84.] Repealed by 98-16-030, filed 7/29/98, effective 8/29/98. Statutory Authority: RCW 88.02.070 and 88.02.100.
		308-93-100	Retention of registration certificate for leased or rented vessels. [Statutory Authority: 1983 c 7 § 20 and 1983 2nd ex.s. c 3 § 46. 83-23-076 (Order 736-DOL), § 308-93-100, filed 11/18/83.] Repealed by 00-01-027, filed 12/6/99, effective 1/6/00. Statutory Authority: RCW 88.02.070 and 88.02.100.
		308-93-110	Vessels previously registered or titled in another state. [Statutory Authority: RCW 88.02.070 and 88.02.100. 84-13-086 (Order TL-RG-2), § 308-93-110, filed 6/21/84. Statutory Authority: 1983 c 7 § 20 and 1983 2nd ex.s. c 3 § 46. 83-23-076 (Order 736-DOL), § 308-93-110, filed 11/18/83.] Repealed by 98-21-001, filed 10/8/98, effective 11/8/98. Statutory Authority: RCW 88.02.070 and 88.02.100.
		308-93-120	Transfer of certificate of title or registration. [Statutory Authority: RCW 88.02.070 and 88.02.100. 92-24-035, § 308-93-120, filed 11/25/92, effective 12/26/92. Statutory Authority: 1983 c 7 § 20 and 1983 2nd ex.s. c 3 § 46. 83-23-076 (Order 736-DOL), § 308-93-120, filed 11/18/83.] Repealed by 98-21-001, filed 10/8/98, effective 11/8/98. Statutory Authority: RCW 88.02.070 and 88.02.100.
		308-93-130	Exemption for vessels undergoing repair or alteration. [Statutory Authority: 1983 c 7 § 20 and 1983 2nd ex.s. c 3 § 46. 83-23-076 (Order 736-DOL), § 308-93-130,

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

308-93-020	Registration required. [Statutory Authority: RCW 88.02.070 and 88.02.100. 84-13-086 (Order TL-RG-2), § 308-93-020, filed 6/21/84. Statutory Authority: 1983 c 7 § 20 and 1983 2nd ex.s. c 3 § 46. 83-23-076 (Order 736-DOL), § 308-93-020, filed 11/18/83.] Repealed by 92-24-035, filed 11/25/92, effective 12/26/92. Statutory Authority: RCW 88.02.070 and 88.02.100.	308-93-085	Contents of a certificate of registration. [Statutory Authority: RCW 88.02.070 and 88.02.100. 92-24-035, § 308-93-085, filed 11/25/92, effective 12/26/92; 84-13-086 (Order TL-RG-2), § 308-93-085, filed 6/21/84.] Repealed by 98-16-030, filed 7/29/98, effective 8/29/98. Statutory Authority: RCW 88.02.070 and 88.02.100.
308-93-040	Vessels exempted from excise tax but required to be registered and titled. [Statutory Authority: RCW 88.02.070 and 88.02.100. 84-19-026 (Order TL-RG 8), § 308-93-040, filed 9/13/84. Statutory Authority: 1983 c 7 § 20 and 1983 2nd ex.s. c 3 § 46. 83-23-076 (Order 736-DOL), § 308-93-040, filed 11/18/83.] Repealed by 99-21-097, filed 10/20/99, effective 11/20/99. Statutory Authority: RCW 88.02.070 and 88.02.100.	308-93-100	Retention of registration certificate for leased or rented vessels. [Statutory Authority: 1983 c 7 § 20 and 1983 2nd ex.s. c 3 § 46. 83-23-076 (Order 736-DOL), § 308-93-100, filed 11/18/83.] Repealed by 00-01-027, filed 12/6/99, effective 1/6/00. Statutory Authority: RCW 88.02.070 and 88.02.100.
308-93-050	Vessels exempted from registration, excise tax and titling. [Statutory Authority: RCW 88.02.070, 88.02.100. 01-03-128, § 308-93-050, filed 1/23/01, effective 2/23/01; 98-16-029, § 308-93-050, filed 7/29/98, effective 7/30/98. Statutory Authority: RCW 88.02.100 and United States v Washington, Subproceeding No. 88-1. 96-16-038, § 308-93-050, filed 8/1/96, effective 9/1/96. Statutory Authority: RCW 88.02.070 and 88.02.100. 93-14-082, § 308-93-050, filed 6/30/93, effective 7/31/93. Statutory Authority: RCW 88.02.100 and 1991 c 339 § 30 and 31. 92-03-075, § 308-93-050, filed 1/14/92, effective 2/14/92. Statutory Authority: RCW 88.02.100 and 88.02.120. 90-08-018, § 308-93-050, filed 3/28/90, effective 4/28/90. Statutory Authority: 1985 c 258. 85-23-066 (Order TL-RG-19), § 308-93-050, filed 11/19/85. Statu-	308-93-110	Vessels previously registered or titled in another state. [Statutory Authority: RCW 88.02.070 and 88.02.100. 84-13-086 (Order TL-RG-2), § 308-93-110, filed 6/21/84. Statutory Authority: 1983 c 7 § 20 and 1983 2nd ex.s. c 3 § 46. 83-23-076 (Order 736-DOL), § 308-93-110, filed 11/18/83.] Repealed by 98-21-001, filed 10/8/98, effective 11/8/98. Statutory Authority: RCW 88.02.070 and 88.02.100.
		308-93-120	Transfer of certificate of title or registration. [Statutory Authority: RCW 88.02.070 and 88.02.100. 92-24-035, § 308-93-120, filed 11/25/92, effective 12/26/92. Statutory Authority: 1983 c 7 § 20 and 1983 2nd ex.s. c 3 § 46. 83-23-076 (Order 736-DOL), § 308-93-120, filed 11/18/83.] Repealed by 98-21-001, filed 10/8/98, effective 11/8/98. Statutory Authority: RCW 88.02.070 and 88.02.100.
		308-93-130	Exemption for vessels undergoing repair or alteration. [Statutory Authority: 1983 c 7 § 20 and 1983 2nd ex.s. c 3 § 46. 83-23-076 (Order 736-DOL), § 308-93-130,

	filed 11/18/83.] Repealed by 92-24-035, filed 11/25/92, effective 12/26/92. Statutory Authority: RCW 88.02.-070 and 88.02.100.		
308-93-135	Vessel number required. [Statutory Authority: 1985 c 258, 85-23-066 (Order TL-RG-19), § 308-93-135, filed 11/19/85. Statutory Authority: RCW 88.02.070 and 88.02.100. 84-13-086 (Order TL-RG-2), § 308-93-135, filed 6/21/84.] Repealed by 99-21-097, filed 10/20/99, effective 11/20/99. Statutory Authority: RCW 88.02.-070 and 88.02.100.	308-93-250	10/30/00, effective 11/30/00. Statutory Authority: RCW 88.02.070, 88.02.100, 88.02.120. Secured party not liable for acts of vessel owner. [Statutory Authority: RCW 88.02.070 and 88.02.100. 99-03-002, § 308-93-250, filed 1/7/99, effective 2/7/99. Statutory Authority: 1983 c 7 § 20 and 1983 2nd ex.s. c 3 § 46. 83-23-076 (Order 736-DOL), § 308-93-250, filed 11/18/83.] Repealed by 02-04-001, filed 1/23/02, effective 2/23/02. Statutory Authority: RCW 46.16.381.
308-93-150	1983 Property tax credit. [Statutory Authority: RCW 88.02.070 and 88.02.100. 84-13-086 (Order TL-RG-2), § 308-93-150, filed 6/21/84. Statutory Authority: 1983 c 7 § 20 and 1983 2nd ex.s. c 3 § 46. 83-23-076 (Order 736-DOL), § 308-93-150, filed 11/18/83.] Repealed by 92-24-035, filed 11/25/92, effective 12/26/92. Statutory Authority: RCW 88.02.070 and 88.02.100.	308-93-260	State or director not liable for acts in administering chapter. [Statutory Authority: RCW 88.02.070 and 88.02.100. 84-13-086 (Order TL-RG-2), § 308-93-260, filed 6/21/84. Statutory Authority: 1983 c 7 § 20 and 1983 2nd ex.s. c 3 § 46. 83-23-076 (Order 736-DOL), § 308-93-260, filed 11/18/83.] Repealed by 85-23-066 (Order TL-RG-19), filed 11/19/85. Statutory Authority: 1985 c 258.
308-93-155	Form of number. [Statutory Authority: RCW 88.02.070 and 88.02.100. 84-13-086 (Order TL-RG-2), § 308-93-155, filed 6/21/84.] Repealed by 99-21-097, filed 10/20/99, effective 11/20/99. Statutory Authority: RCW 88.02.070 and 88.02.100.	308-93-290	Transfer of ownership, how perfected. [Statutory Authority: RCW 88.02.100 and 1991 c 339 § § 30 and 31. 92-03-075, § 308-93-290, filed 1/14/92, effective 2/14/92. Statutory Authority: RCW 88.02.070 and 88.02.100. 84-13-086 (Order TL-RG-2), § 308-93-290, filed 6/21/84. Statutory Authority: 1983 c 7 § 20 and 1983 2nd ex.s. c 3 § 46. 83-23-076 (Order 736-DOL), § 308-93-290, filed 11/18/83.] Repealed by 98-21-001, filed 10/8/98, effective 11/8/98. Statutory Authority: RCW 88.02.070 and 88.02.100.
308-93-165	Other numbers prohibited. [Statutory Authority: RCW 88.02.070 and 88.02.100. 84-13-086 (Order TL-RG-2), § 308-93-165, filed 6/21/84.] Repealed by 00-09-065, filed 4/18/00, effective 5/19/00. Statutory Authority: RCW 88.02.100.	308-93-300	Original applications—Renewals—Fees—Preissuance, when. [Statutory Authority: 1983 c 7 § 20 and 1983 2nd ex.s. c 3 § 46. 83-23-076 (Order 736-DOL), § 308-93-300, filed 11/18/83.] Repealed by 98-16-030, filed 7/29/98, effective 8/29/98. Statutory Authority: RCW 88.02.070 and 88.02.100.
308-93-170	Applications to agents—Transmittal to director. [Statutory Authority: 1983 c 7 § 20 and 1983 2nd ex.s. c 3 § 46. 83-23-076 (Order 736-DOL), § 308-93-170, filed 11/18/83.] Repealed by 92-24-035, filed 11/25/92, effective 12/26/92. Statutory Authority: RCW 88.02.-070 and 88.02.100.	308-93-310	Loss, defacement, or destruction of decals—Replacement fee. [Statutory Authority: RCW 88.02.070 and 88.02.100. 84-13-086 (Order TL-RG-2), § 308-93-310, filed 6/21/84. Statutory Authority: 1983 c 7 § 20 and 1983 2nd ex.s. c 3 § 46. 83-23-076 (Order 736-DOL), § 308-93-310, filed 11/18/83.] Repealed by 87-01-030 (Order TL/RG 31), filed 12/11/86. Statutory Authority: RCW 46.01.110 and 88.02.100.
308-93-174	County auditors and subagents—Disposition of application fees. [Statutory Authority: RCW 88.02.070 and 88.02.100. 93-14-082, § 308-93-174, filed 6/30/93, effective 7/31/93.] Repealed by 96-13-055, filed 6/14/96, effective 7/1/97. Statutory Authority: RCW 88.02.100 and 46.01.140.	308-93-320	Registration certificate and decals follow vessel on transfer. [Statutory Authority: 1983 c 7 § 20 and 1983 2nd ex.s. c 3 § 46. 83-23-076 (Order 736-DOL), § 308-93-320, filed 11/18/83.] Repealed by 99-21-097, filed 10/20/99, effective 11/20/99. Statutory Authority: RCW 88.02.070 and 88.02.100.
308-93-180	Time of renewal of registration—Duration. [Statutory Authority: 1983 c 7 § 20 and 1983 2nd ex.s. c 3 § 46. 83-23-076 (Order 736-DOL), § 308-93-180, filed 11/18/83.] Repealed by 98-21-001, filed 10/8/98, effective 11/8/98. Statutory Authority: RCW 88.02.070 and 88.02.100.	308-93-330	Certificate of title—Application. [Statutory Authority: 1983 c 7 § 20 and 1983 2nd ex.s. c 3 § 46. 83-23-076 (Order 736-DOL), § 308-93-330, filed 11/18/83.] Repealed by 98-16-030, filed 7/29/98, effective 8/29/98. Statutory Authority: RCW 88.02.070 and 88.02.100.
308-93-190	Prerequisite to issuance of vessel registration and decals. [Statutory Authority: 1985 c 258. 85-23-066 (Order TL-RG-19), § 308-93-190, filed 11/19/85. Statutory Authority: 1983 c 7 § 20 and 1983 2nd ex.s. c 3 § 46. 83-23-076 (Order 736-DOL), § 308-93-190, filed 11/18/83.] Repealed by 98-21-001, filed 10/8/98, effective 11/8/98. Statutory Authority: RCW 88.02.070 and 88.02.100.	308-93-340	Commercial fishing vessels. [Statutory Authority: RCW 88.02.070 and 88.02.100. 92-24-035, § 308-93-340, filed 11/25/92, effective 12/26/92. Statutory Authority: 1983 c 7 § 20 and 1983 2nd ex.s. c 3 § 46. 83-23-076 (Order 736-DOL), § 308-93-340, filed 11/18/83.] Repealed by 00-01-027, filed 12/6/99, effective 1/6/00. Statutory Authority: RCW 88.02.070 and 88.02.100.
308-93-210	Procedure when department unsatisfied as to ownership. [Statutory Authority: 1985 c 258. 85-23-066 (Order TL-RG-19), § 308-93-210, filed 11/19/85. Statutory Authority: 1983 c 7 § 20 and 1983 2nd ex.s. c 3 § 46. 83-23-076 (Order 736-DOL), § 308-93-210, filed 11/18/83.] Repealed by 98-21-001, filed 10/8/98, effective 11/8/98. Statutory Authority: RCW 88.02.070 and 88.02.100.	308-93-410	Cancel/refusal to issue certificate. [Statutory Authority: RCW 88.02.070 and 88.02.100. 92-24-035, § 308-93-410, filed 11/25/92, effective 12/26/92. Statutory Authority: 1983 c 7 § 20 and 1983 2nd ex.s. c 3 § 46. 83-23-076 (Order 736-DOL), § 308-93-410, filed 11/18/83.] Repealed by 99-03-002, filed 1/7/99, effective 2/7/99. Statutory Authority: RCW 88.02.070 and 88.02.100.
308-93-215	Validity of certificate of registration. [Statutory Authority: RCW 88.02.070 and 88.02.100. 84-13-086 (Order TL-RG-2), § 308-93-215, filed 6/21/84.] Repealed by 98-21-001, filed 10/8/98, effective 11/8/98. Statutory Authority: RCW 88.02.070 and 88.02.100.	308-93-420	Special mailing. [Statutory Authority: 1983 c 7 § 20 and 1983 2nd ex.s. c 3 § 46. 83-23-076 (Order 736-DOL), § 308-93-420, filed 11/18/83.] Repealed by 98-16-030, filed 7/29/98, effective 8/29/98. Statutory Authority: RCW 88.02.070 and 88.02.100.
308-93-225	Surrender of certificate of registration. [Statutory Authority: RCW 88.02.070 and 88.02.100. 84-13-086 (Order TL-RG-2), § 308-93-225, filed 6/21/84.] Repealed by 92-24-035, filed 11/25/92, effective 12/26/92. Statutory Authority: RCW 88.02.070 and 88.02.100.	308-93-430	Release of interest. [Statutory Authority: 1983 c 7 § 20 and 1983 2nd ex.s. c 3 § 46. 83-23-076 (Order 736-DOL), § 308-93-430, filed 11/18/83.] Repealed by 98-09-023, filed 4/8/98, effective 5/9/98. Statutory Authority: RCW 88.02.070.
308-93-240	Duplicate for lost, stolen, mutilated, etc., certificates. [Statutory Authority: 1983 c 7 § 20 and 1983 2nd ex.s. c 3 § 46. 83-23-076 (Order 736-DOL), § 308-93-240, filed 11/18/83.] Repealed by 87-01-030 (Order TL/RG 31), filed 12/11/86. Statutory Authority: RCW 46.01.110 and 88.02.100.	308-93-480	Certification of signature—Departmental employees. [Statutory Authority: 1983 c 7 § 20 and 1983 2nd ex.s. c 3 § 46. 83-23-076 (Order 736-DOL), § 308-93-480, filed 11/18/83.] Repealed by 98-09-023, filed 4/8/98, effective 5/9/98. Statutory Authority: RCW 88.02.070.
308-93-245	Confidential vessel registrations—Records disclosure. [Statutory Authority: RCW 88.02.070, 88.02.100 and 88.02.120. 98-16-001, § 308-93-245, filed 7/22/98, effective 8/22/98. Statutory Authority: RCW 88.02.035(3). 92-15-023, § 308-93-245, filed 7/6/92, effective 8/6/92.] Repealed by 00-22-068, filed		

- 308-93-550 Owner deceased—Signature of personal representative. [Statutory Authority: 1983 c 7 § 20 and 1983 2nd ex.s. c 3 § 46. 83-23-076 (Order 736-DOL), § 308-93-550, filed 11/18/83.] Repealed by 99-07-041, filed 3/15/99, effective 4/15/99. Statutory Authority: RCW 88.02.070 and 88.02.100.
- 308-93-560 Owner deceased—Estate administered. [Statutory Authority: RCW 88.02.070 and 88.02.100. 84-13-086 (Order TL-RG-2), § 308-93-560, filed 6/21/84. Statutory Authority: 1983 c 7 § 20 and 1983 2nd ex.s. c 3 § 46. 83-23-076 (Order 736-DOL), § 308-93-560, filed 11/18/83.] Repealed by 99-07-041, filed 3/15/99, effective 4/15/99. Statutory Authority: RCW 88.02.070 and 88.02.100.
- 308-93-570 Owner deceased—No will left. [Statutory Authority: 1983 c 7 § 20 and 1983 2nd ex.s. c 3 § 46. 83-23-076 (Order 736-DOL), § 308-93-570, filed 11/18/83.] Repealed by 99-07-041, filed 3/15/99, effective 4/15/99. Statutory Authority: RCW 88.02.070 and 88.02.100.
- 308-93-580 Owner deceased—To spouse "in lieu of homestead." [Statutory Authority: 1983 c 7 § 20 and 1983 2nd ex.s. c 3 § 46. 83-23-076 (Order 736-DOL), § 308-93-580, filed 11/18/83.] Repealed by 99-07-041, filed 3/15/99, effective 4/15/99. Statutory Authority: RCW 88.02.070 and 88.02.100.
- 308-93-590 Owner deceased—In name of estate. [Statutory Authority: 1983 c 7 § 20 and 1983 2nd ex.s. c 3 § 46. 83-23-076 (Order 736-DOL), § 308-93-590, filed 11/18/83.] Repealed by 99-07-041, filed 3/15/99, effective 4/15/99. Statutory Authority: RCW 88.02.070 and 88.02.100.
- 308-93-600 Owner deceased—Estate not administered. [Statutory Authority: 1983 c 7 § 20 and 1983 2nd ex.s. c 3 § 46. 83-23-076 (Order 736-DOL), § 308-93-600, filed 11/18/83.] Repealed by 99-07-041, filed 3/15/99, effective 4/15/99. Statutory Authority: RCW 88.02.070 and 88.02.100.
- 308-93-610 Security interest—When perfected. [Statutory Authority: 1983 c 7 § 20 and 1983 2nd ex.s. c 3 § 46. 83-23-076 (Order 736-DOL), § 308-93-610, filed 11/18/83.] Repealed by 84-13-086 (Order TL-RG-2), filed 6/21/84. Statutory Authority: RCW 88.02.070 and 88.02.100.
- 308-93-620 Hull identification number required. [Statutory Authority: RCW 88.02.070 and 88.02.100. 98-16-030, § 308-93-620, filed 7/29/98, effective 8/29/98. Statutory Authority: 1985 c 258. 85-23-066 (Order TL-RG-19), § 308-93-620, filed 11/19/85. Statutory Authority: 1983 c 7 § 20 and 1983 2nd ex.s. c 3 § 46. 83-23-076 (Order 736-DOL), § 308-93-620, filed 11/18/83.] Repealed by 99-03-002, filed 1/7/99, effective 2/7/99. Statutory Authority: RCW 88.02.070 and RCW 88.02.100.
- 308-93-630 Assignment of hull identification number. [Statutory Authority: 1983 c 7 § 20 and 1983 2nd ex.s. c 3 § 46. 83-23-076 (Order 736-DOL), § 308-93-630, filed 11/18/83.] Repealed by 98-16-030, filed 7/29/98, effective 8/29/98. Statutory Authority: RCW 88.02.070 and 88.02.100.
- 308-93-660 Destruction of records by department. [Statutory Authority: RCW 88.02.070 and 88.02.100. 99-01-134, § 308-93-660, filed 12/21/98, effective 1/21/99. Statutory Authority: RCW 88.02.100 and 88.02.120. 90-08-018, § 308-93-660, filed 3/28/90, effective 4/28/90.] Repealed by 01-16-105, filed 7/30/01, effective 8/30/01. Statutory Authority: RCW 88.02.070, 88.02.100.
- 308-93-670 Disclosure of individual vessel owner names and addresses. [Statutory Authority: RCW 88.02.070, 88.02.100 and 46.12.380. 96-03-046, § 308-93-670, filed 1/11/96, effective 2/11/96. Statutory Authority: RCW 88.02.100 and 88.02.070. 91-03-089, § 308-93-670, filed 1/18/91, effective 2/18/91.] Repealed by 99-01-134, filed 12/21/98, effective 1/21/99. Statutory Authority: RCW 88.02.070 and 88.02.100.

WAC 308-93-010 Definitions. The following definitions apply to the rules in this chapter:

- (1) "Bare boat" means a vessel rented without a captain or crew.
- (2) "Carpenter certificate" means a certificate issued by a manufacturer describing the vessel and certifying the first conveyance of the vessel after its manufacture.

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(3) "Certificate of ownership" means the ownership document issued by the department or other jurisdiction, sometimes referred to as a title.

(4) "Charter vessel" means a vessel rented with a crew.

(5) "Commercial fishing vessel" means a vessel primarily used for commercial or charter fishing.

(6) "Conveyance" means transfer of title of a vessel from one person to another.

(7) "Declaration of value form" means the department of licensing form used to declare the value for purposes of assessing excise tax when a vessel is acquired by lease, trade, gift, is homemade, or the most recent purchase price is not known.

(8) "Director" means the director of the department of licensing.

(9) "Display permit" means the document issued by the department, its agents or subagents, for display on the vessel for which it was issued under the authority of WAC 308-93-055 or 308-93-056.

(10) "Docking hull" means vessels that are powered by one or more personal watercrafts and are designed for use with personal watercraft.

(11) "Documented vessel" means a vessel that is documented by the United States Coast Guard and is issued a valid marine certificate.

(12) "Exclusively" means solely and without exception.

(13) "Foreign vessel" means a vessel registered in accordance with the laws of another state or jurisdiction. Also referred to as "out-of-country."

(14) "Houseboat" means any vessel as defined in RCW 88.02.010(1). For registration and certificate of ownership purposes, a houseboat does not include any building on a float used in whole or in part for human habitation as a single-family dwelling which is not powered by self-propulsion by mechanical means or wind.

(15) "Identification documents" means the vessel registration receipt and display permit issued under the authority of WAC 308-93-055 or 308-93-056.

(16) "Issuing authority" means the number system has not been approved by the Coast Guard or it is a state or other jurisdiction that has a vessel identification numbering system approved by the Coast Guard. (Also see definition for out of country vessel.)

(17) "Legal owner/secured party" means a person, business, or institution having a security interest in a vessel perfected in accordance with RCW 88.02.070.

(18) "Lifeboat" means watercraft used exclusively for lifesaving purposes.

(19) "Manufacturer's certificate of origin" (MCO) or "Manufacturer's statement of origin" (MSO) means a certificate issued by a manufacturer describing the vessel and certifying the first conveyance of the vessel after manufacture.

(20) "Out-of-country vessel" means a vessel registered or numbered by the laws of another country or has a valid United States Customs Service Cruising License.

(21) "Overall length" means a straight-line measurement of the overall distance from the foremost point of the vessel to the aftermost part of the vessel, measured parallel to the centerline. Bowsprits, bumpkins or boomkins, rudders, outboard motor brackets, outdrive units, propellers, and similar fittings or attachments are not included in the measurement.

(22) "Paperless title" means electronic ownership record.

(23) "Person" includes every natural person, firm, copartnership, corporation, association or organization.

(24) "Personal watercraft" for the purpose of this rule has the same meaning as in RCW 79A.60.010, such as Jet Ski or Wet Bike.

(25) "Primarily" means the principal purpose for which a vessel is used when considered in conjunction with all of its uses.

(26) "Principal use" means when a vessel is used on waters of this state for one hundred eighty-three days or more.

(27) "Propulsion machinery/mechanical power" means any device providing motion to a vessel through such means as combustion, steam, or electric machinery.

(28) "Racing vessel" is a vessel used exclusively in racing events.

(29) "Release of interest" means the act of signing over any ownership in a vessel. A notarized or certified release of interest is also a document relinquishing interest in a vessel.

(30) "Renewal notice" and "special mailer" means the notice to renew a vessel registration mailed by the department to the owner.

(31) "Tender" means watercraft used exclusively to furnish transportation from a larger vessel to shore and return.

(32) "Time share charters" means leased vessels where none of the parties leasing the vessel under a "time share" option agreement is acquiring an equity in the vessel and there is no option to buy.

(33) "United States Customs Service Cruising License" means an annual certificate issued by U.S. Customs Service under 19 C.F.R. Sec. 4.94, which exempts pleasure boats from certain countries from formal entry and clearance procedures, from payment of tonnage tax and clearance fees at all but the first port of entry.

(34) "Use of waters" means to navigate, operate, employ, or moor any vessel upon the waters.

(35) "Valid marine document" means a document issued by the Coast Guard which declares it to be a United States documented vessel.

(36) "Vessel data form" means the form, approved by the department, completed by the applicant describing the vessel.

(37) "Vessel seller's report of sale." A vessel seller's report of sale is a document that protects the seller from certain criminal and civil liabilities arising from use of the vessel by another person after the vessel has been sold or a change in ownership has occurred.

(38) "Waters of this state" means any waters within the territorial limits of this state as defined in U.S. Code: Title 43, Section 1312.

[Statutory Authority: RCW 88.02.070 and 88.02.100. 06-21-025, § 308-93-010, filed 10/9/06, effective 11/9/06; 01-21-072, § 308-93-010, filed 10/18/01, effective 11/18/01; 01-03-128, § 308-93-010, filed 1/23/01, effective 2/23/01; 00-11-131, § 308-93-010, filed 5/23/00, effective 6/23/00; 98-16-029, § 308-93-010, filed 7/29/98, effective 7/30/98. Statutory Authority: RCW 88.02.100 and United States v Washington, Subproceeding No. 88-1. 96-16-038, § 308-93-010, filed 8/1/96, effective 9/1/96. Statutory Authority: RCW 88.02.070 and 88.02.100. 92-24-035, § 308-93-010, filed 11/25/92, effective 12/26/92. Statutory Authority: RCW 88.02.120 and 88.02.100. 90-08-018, § 308-93-010, filed 3/28/90, effective 4/28/90; 87-09-073 (Order TL/RG-32), § 308-93-010, filed 4/22/87. Statutory Authority: RCW 88.02.030, 88.02.070, 88.02.120, 88.02.130, 88.02.140, 88.02.150 and 88.02.100. 86-10-068 (Order TL/RG 25), § 308-93-010, filed 5/7/86. Statu-

tory Authority: RCW 88.02.070 and 88.02.100. 84-19-026 (Order TL-RG 8), § 308-93-010, filed 9/13/84. Statutory Authority: 1983 c 7 § 20 and 1983 2nd ex.s. c 3 § 46. 83-23-076 (Order 736-DOL), § 308-93-010, filed 11/18/83.]

WAC 308-93-030 Vessels subject to excise tax, registration and titling exemptions. (1) **What vessels are subject to excise tax?** All vessels sixteen feet and over with mechanical power or sails are subject to excise tax unless specifically exempt under chapter 82.49 RCW and vessels owned by Indian tribes and tribal members as provided in WAC 308-93-700 through 308-93-770.

(2) **What vessels are subject to registration?** Most vessels are subject to registration under chapter 88.02 RCW, including the following:

- (a) Amphibious vessels (vehicles);
- (b) Docking hulls;
- (c) Houseboats;
- (d) Inflatable vessels with motors;
- (e) Sailboats (sixteen feet or longer);
- (f) Personal watercraft (Jet Ski, Sea-Doo, AquaTrax, Wave Runner, etc.);
- (g) Documented pleasure vessels.

(3) **What do I do with the vessel registration identification document?** The vessel registration must be:

- (a) Carried on board the vessel whenever on the waters;
- (b) Made available to any law enforcement officer on request.

(4) **What vessels are exempt from registration?** Vessels exempted from registration under RCW 88.02.030, include but are not limited to, the following:

- (a) Vessels under sixteen feet in overall length are:
 - (i) Powered by ten horsepower or less; and
 - (ii) Used on waters where there is no federal jurisdiction.
- (b) Sailboats under sixteen feet;
- (c) Ship's tender when properly identified as a tender to the parent vessel; and
 - (i) Is used only for direct transportation from ship to shore; and
 - (ii) Is less than ten horsepower.
- (d) Vessels powered by human power, such as canoes, kayaks, and rowboats.
- (e) Documented charter vessels, including, bare boat and time share charters.

(f) Vessels used exclusively for racing.

(5) **What vessels are subject to titling?** All vessels subject to registration are issued a title, except the following:

- (a) Vessel documented by the United States Coast Guard;
- (b) Owner is unable to provide proof of ownership;
- (c) Out-of-state title is being held by a lien holder (bank, credit union, etc.).

[Statutory Authority: RCW 88.02.070 and 88.02.100. 06-21-025, § 308-93-030, filed 10/9/06, effective 11/9/06; 01-03-128, § 308-93-030, filed 1/23/01, effective 2/23/01; 99-21-097, § 308-93-030, filed 10/20/99, effective 11/20/99; 84-19-026 (Order TL-RG 8), § 308-93-030, filed 9/13/84. Statutory Authority: 1983 c 7 § 20 and 1983 2nd ex.s. c 3 § 46. 83-23-076 (Order 736-DOL), § 308-93-030, filed 11/18/83.]

WAC 308-93-055 Vessels from out-of-state operating in this state—Identification document required. (1) **What documentation must be carried aboard a vessel from**

another state or out-of-country when being operated upon the waters of this state? The current foreign vessel registration is valid for the first sixty days of operation. In addition the following must apply:

(a) The vessel must have been issued a valid number under federal law or by an approved issuing authority of the state of principal operation, if the vessel is remaining in this state for personal use or enjoyment.

(b) On or before the sixty-first day of use, the foreign vessel owner must obtain a vessel sixty-day temporary identification document issued by the department, its agents or subagents.

(c) A second sixty-day temporary identification document must be purchased on or before the one hundred twenty-first day of use in this state.

(2) What must I provide to obtain a vessel sixty-day temporary identification document?

(a) Proof of nonresidency by showing the vessel owner's out-of-state driver's license or out-of-state photo identification;

(b) A copy of the current foreign vessel registration or current United States Coast Guard certificate of documentation;

(c) Date the vessel first came into the state;

(d) A nonrefundable fee of twenty-five dollars plus a filing fee and subagent fee, if applicable, per vessel sixty-day temporary identification document.

(3) How many vessel sixty-day temporary identification documents may be obtained? Not more than two may be obtained in any continuous twelve-month period for any single vessel. The twelve months begins on the date the vessel first entered this state.

(4) How do I display the vessel sixty-day temporary identification document?

(a) Keep aboard at all times when moored and during operation;

(b) Displayed in the windshield, side window, cockpit or operation area of the vessel, so that it is visible to law enforcement from either the dock or from the water;

(c) Protected from the weather.

(5) If the vessel owner is not available, how do I obtain a vessel sixty-day temporary identification document? The person applying for the vessel sixty-day temporary identification document must have a:

(a) Notarized/certified power of attorney from a registered owner of the vessel;

(b) Copy of the vessel owner's out-of-state driver's license or photo identification; and

(c) Copy of the out-of-state or out-of-country registration certificate.

[Statutory Authority: RCW 88.02.070 and 88.02.100. 06-21-025, § 308-93-055, filed 10/9/06, effective 11/9/06; 01-03-128, § 308-93-055, filed 1/23/01, effective 2/23/01; 98-16-029, § 308-93-055, filed 7/29/98, effective 7/30/98.]

WAC 308-93-056 Out of country vessel operating in this state—Identification document required. (1) What documentation must be carried aboard an out of country vessel when being operated upon the waters of this state?

(a) The current out of country vessel registration or a United States Customs Service Cruising License is valid for

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the first sixty days of operation when the vessel is remaining in this state for personal use or enjoyment.

(b) The foreign vessel must have been issued a valid number or registration issued by a country other than the United States or a United States Customs Service Cruising License

(c) On or before the sixty-first day of use, the out of country vessel owner must obtain a vessel out of country permanent identification document issued by the department, its agents or subagents.

(2) What must I provide to obtain a vessel out of country permanent identification document? You must provide the following:

(a) Proof of identification as described in WAC 308-56A-275(2);

(b) A copy of the current foreign vessel registration or current United States Coast Guard certificate of documentation;

(c) Date the vessel first came into the state;

(d) A nonrefundable fee of twenty-five dollars plus a filing fee and subagent fee, if applicable.

(3) How many vessel out of country permanent identification documents may be obtained? One, the vessel out of country permanent identification document is valid as long as the vessel continues to be registered in a country other than the United States or has a United States Customs Service Cruising License. New owners may apply for a corrected vessel out of country permanent identification document listing the new owner's name and address. The new owner shall pay a nonrefundable fee of three dollars plus a filing fee and subagent fee, if applicable.

(4) How do I display the vessel out of country permanent identification document? The vessel out of country permanent identification document must be:

(a) Kept aboard the vessel at all times when moored and during operation;

(b) Displayed in the windshield, side window, cockpit or operation area of the vessel, so that it is visible to law enforcement from either the dock or from the water;

(c) Protected from the weather.

(5) If the vessel owner is not available, how do I obtain a vessel out of country permanent identification document? If the vessel owner is not available, the person applying for the vessel out of country permanent identification document must have a:

(a) Notarized/certified power of attorney from a registered owner of the vessel;

(b) Copy of the valid registration numbers issued by a country other than the United States or a United States Customs Service Cruising License.

[Statutory Authority: RCW 88.02.070, 88.02.100. 01-03-128, § 308-93-056, filed 1/23/01, effective 2/23/01; 98-16-029, § 308-93-056, filed 7/29/98, effective 7/30/98.]

WAC 308-93-060 Registration period. (1) What is the length of a vessel registration period? The vessel registration period is July 1 of the current year through June 30 of the following year for purposes of RCW 88.02.050.

Any vessels registered for the first time in Washington will be assessed the registration fee for the registration period in which the vessel is registered. In addition, excise tax in the

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amount prescribed in chapter 82.49 RCW will be assessed through the current registration period.

(2) How will my excise tax be calculated if I purchase or transfer a vessel in a month other than July? When registering a vessel in Washington for the first time and assigning a registration period of fewer than twelve months or transferring ownership of a vessel for which the registration has expired, the annual excise tax shall be reduced by one-twelfth for each full month of the registration period you did not own or possess the vessel. The registration fee will not be reduced. Excise tax on renewals will be assessed twelve months of excise tax.

[Statutory Authority: RCW 88.02.070 and 88.02.100. 01-08-021, § 308-93-060, filed 3/27/01, effective 4/27/01; 98-16-030, § 308-93-060, filed 7/29/98, effective 8/29/98; 92-24-035, § 308-93-060, filed 11/25/92, effective 12/26/92. Statutory Authority: 1985 c 258, 85-23-066 (Order TL-RG-19), § 308-93-060, filed 11/19/85. Statutory Authority: RCW 88.02.070 and 88.02.100. 84-19-026 (Order TL-RG 8), § 308-93-060, filed 9/13/84. Statutory Authority: 1983 c 7 § 20 and 1983 2nd ex.s. c 3 § 46. 83-23-076 (Order 736-DOL), § 308-93-060, filed 11/18/83.]

WAC 308-93-069 Application for certificate of ownership—Accompanied by. (1) **What documentation must accompany my application for certificate of ownership for my vessel?** Vessel owners must submit with their application for certificate of ownership all proper fees and excise tax and the following documentation:

(a) New vessels:

(i) Application for certificate of ownership to a vessel never before licensed or titled shall be accompanied by a manufacturer's statement of origin, carpenter's certificate, or a copy of the factory invoice.

(ii) The manufacturer's statement of origin, carpenter's certificate, or factory invoice must reflect the model year, make, length and hull identification number of the vessel.

(iii) The department shall not accept any manufacturer's statement of origin, carpenter's certificate, or factory invoice for the issuance of a certificate of ownership unless all persons named on the manufacturer's statement of origin, including dealers, have released or assigned their interest thereon, or on a release of interest form approved by the department.

(iv) Dealer-to-dealer transfers may be accomplished either by appropriate endorsement of the manufacturer's statement of origin, carpenter's certificate, or factory invoice, or release of interest form approved by the department. A complete chain of ownership shall be reflected from the original dealer named on the manufacturer's statement of origin to the retail selling dealer making the application.

(v) A copy of the factory invoice may be used in lieu of the manufacturer's statement of origin or carpenter's certificate only when such documents are not available and obtaining a replacement from the manufacturer would cause an undue amount of delay in titling the vessel. A certificate of fact describing why the statement of origin or carpenter's certificate is not available shall be accompanied by the photocopy of the factory invoice and any necessary releases of interest on a form approved by the department.

(b) Vessels with existing certificate of ownership from a foreign titling jurisdiction:

(i) Excise exemption affidavit;

(ii) A copy of the bill of sale or sales agreement;

(iii) Declaration of value form;

(iv) Previous ownership document properly released;

(v) Proof of sales tax paid;

(vi) Release of interest;

(vii) Other verification of ownership approved by the department to include:

(A) A judgment from a district or superior court of any county of this state awarding ownership; or

(B) Document from an involuntary divestiture sale or auction; and/or

(C) Copy of certificate of documentation of vessel issued by the United States Coast Guard.

(c) Vessels without existing certificate of ownership or from a nontitling jurisdiction:

(i) Excise exemption affidavit;

(ii) A copy of the bill of sale or sales agreement;

(iii) Declaration of value form;

(iv) Previous ownership document properly released;

(v) The registration, if it is from a nontitle state;

(vi) Proof of sales tax paid;

(vii) Manufacturer's statement of origin, factory invoice, or carpenter's certificate;

(viii) An affidavit in lieu of title;

(ix) Release of interest;

(x) Other verification of ownership approved by the department to include:

(A) A judgment from a district or superior court of any county of this state awarding ownership; or

(B) Document from an involuntary divestiture sale or auction; and/or

(C) Copy of certificate of documentation of vessel issued by the United States Coast Guard; and/or

(D) An affidavit certifying when and where the vessel was acquired or brought into the state.

(2) Will the department accept an application if any information is found to be inaccurate? Upon application for a vessel certificate of ownership an authorized agent or employee must verify the application and supporting documents to ensure accuracy. If all requirements are not met, an authorized agent or employee shall refuse to accept the application.

[Statutory Authority: RCW 88.02.070 and 88.02.100. 01-08-021, § 308-93-069, filed 3/27/01, effective 4/27/01; 98-16-030, § 308-93-069, filed 7/29/98, effective 8/29/98.]

WAC 308-93-070 Application for certificate of ownership/registration. (1) **When am I required to register my vessel in Washington?** Current out-of-state or out-of-country registration will be recognized for a period of sixty days. On or before the sixty-first day, if Washington is to be the principal state of use, you must apply for a Washington state certificate of ownership and/or registration.

(2) What information must be supplied on an application to obtain a Washington vessel certificate of ownership and/or registration? Vessel owners applying for certificate of ownership and/or registration of a vessel must submit an application, which includes:

(a) Expiration date of the certificate of registration;

(b) The name of each owner of the vessel and if the vessel is subject to security interest, the name of each secured party;

(c) The address that one of the owners regularly receives mail;

(d) The mailing address of the first secured party;

(e) The Washington registration number as assigned;

(f) Make and model year;

(g) Length of vessel;

(h) Type of power (gasoline, diesel, etc.);

(i) Primary use (commercial, pleasure, etc.);

(j) Primary method of propulsion (inboard, sail, etc.);

(k) Type of vessel (runabout, cabin, etc.);

(l) Primary vessel construction (fiberglass, wood, etc.);

(m) County of moorage;

(n) Hull identification number, if one has been assigned;

(o) Latest purchase price and purchase year or, if the vessel was not acquired by purchase, a declaration of value and year of declaration;

(p) The signature of all of the owners.

For the purposes of this section, purchase price or declared value includes the vessel, vessel motor, or engine, and all other equipment and accessories, excluding a boat trailer, purchased or acquired in a single transaction;

(q) United States Coast Guard document number, if applicable.

(3) If my vessel is homemade, what information must be supplied on an application for Washington certificate of ownership? In addition to the information listed above in subsection (2) of this section, upon original application for certificate of ownership and/or registration of a homemade vessel, the owner shall complete and sign a declaration of value form. The owner's signature must be notarized/certified in accordance with WAC 308-93-470.

[Statutory Authority: RCW 88.02.070 and 88.02.100. 06-21-025, § 308-93-070, filed 10/9/06, effective 11/9/06; 01-08-021, § 308-93-070, filed 3/27/01, effective 4/27/01; 98-16-030, § 308-93-070, filed 7/29/98, effective 8/29/98. Statutory Authority: RCW 46.01.110, 88.02.100, 46.10.040, 46.12.030, 46.16.040, 88.02.050 and 88.02.070. 96-04-004, § 308-93-070, filed 1/25/96, effective 2/25/96; 95-13-058, § 308-93-070, filed 6/19/95, effective 7/20/95. Statutory Authority: RCW 88.02.070 and [88.02].100. 93-14-082, § 308-93-070, filed 6/30/93, effective 7/31/93; 92-24-035, § 308-93-070, filed 11/25/92, effective 12/26/92. Statutory Authority: RCW 88.02.100 and 1991 c 339 § 30 and 31. 92-03-075, § 308-93-070, filed 1/14/92, effective 2/14/92. Statutory Authority: 1985 c 258. 85-23-066 (Order TL-RG-19), § 308-93-070, filed 11/19/85. Statutory Authority: RCW 88.02.070 and 88.02.100. 84-13-086 (Order TL-RG-2), § 308-93-070, filed 6/21/84. Statutory Authority: 1983 c 7 § 20 and 1983 2nd ex.s. c 3 § 46. 83-23-076 (Order 736-DOL), § 308-93-070, filed 11/18/83.]

WAC 308-93-071 Class "A" and Class "B" certificate of ownership. Is there more than one class of certificate of ownership for my vessel? From June 30, 1985, through June 30, 1990, there were two classes of vessel certificate of ownership: Class "A" and Class "B."

Effective July 1, 1990, the "A" and "B" classifications of vessel certificate of ownership were discontinued. All vessel certificate of ownership, regardless of any classification previously assigned are considered to be exclusive evidence of ownership unless a person can provide sufficient evidence the certificate of ownership was issued in error or is invalid for some other reason.

[Statutory Authority: RCW 88.02.070 and 88.02.100. 01-08-021, § 308-93-071, filed 3/27/01, effective 4/27/01; 98-16-030, § 308-93-071, filed 7/29/98, effective 8/29/98; 92-24-035, § 308-93-071, filed 11/25/92, effective 12/26/92. Statutory Authority: 1985 c 258. 85-23-066 (Order TL-RG-19), § 308-93-071, filed 11/19/85.]

(2007 Ed.)

WAC 308-93-078 Temporary use of an unregistered vessel. May a vessel be operated on the waters of this state if it is not registered? An unregistered vessel may be operated on the waters of this state for fifteen consecutive days from the date of purchase using the notarized bill of sale in lieu of a registration certificate. The notarized bill of sale shall be carried on the vessel and contain:

(1) The name and address of the purchaser;

(2) The model year, make, and hull identification number of the vessel;

(3) The date of sale; and

(4) The name, address and signature of the seller.

[Statutory Authority: RCW 88.02.070 and 88.02.100. 01-08-021, § 308-93-078, filed 3/27/01, effective 4/27/01; 98-16-030, § 308-93-078, filed 7/29/98, effective 8/29/98. Statutory Authority: RCW 88.02.030, 88.02.070, 88.02.120, 88.02.130, 88.02.140, 88.02.150 and 88.02.100. 86-10-068 (Order TL/RG 25), § 308-93-078, filed 5/7/86.]

WAC 308-93-079 Government exempt vessels. (1) If a government agency chooses to display registration numbers and current vessel decals in addition to being clearly identifiable as a government vessel, what fees are required? Government agencies are required to pay filing and registration fees but are not subject to excise tax.

(2) If the department issues a Washington registration number and current decals, is the government agency required to display them? Yes, if a registration number and decals are issued, they must be displayed as prescribed in WAC 308-93-140.

[Statutory Authority: RCW 88.02.070, 88.02.100. 01-03-128, § 308-93-079, filed 1/23/01, effective 2/23/01; 00-01-027, § 308-93-079, filed 12/6/99, effective 1/6/00. Statutory Authority: RCW 88.02.030, 88.02.070, 88.02.-120, 88.02.130, 88.02.140, 88.02.150 and 88.02.100. 86-10-068 (Order TL/RG 25), § 308-93-079, filed 5/7/86.]

WAC 308-93-087 Disclosure of names and addresses of individual vessel owners. (1) What vessel record information is protected from disclosure?

Vessel information protected from disclosure is the same as under chapters 42.17 and 46.12 RCW which includes:

(a) Name and address information;

(b) Social Security numbers;

(c) Uniform Business Identifier; and

(d) Telephone numbers.

(2) Who may receive disclosure of individual vessel owner names and addresses?

(a) Government agencies;

(b) Any business entity that uses the name and address information in their normal course of business in accordance with these rules;

(c) Vessel manufacturers who require vessel ownership information for recall of their own products;

(d) A vessel owner for their own vessel; or

(e) Individuals who meet the criteria listed in subsection (6) of this section.

(3) What documentation does the department require to disclose vessel owner names and addresses?

The department requires:

(a) A record disclosure request form provided by the department and completed by the applicant; and

(b) Acceptable business entity verification.

[Title 308 WAC—p. 237]

(4) What is acceptable business verification?

For purposes of this section acceptable business verification includes:

(a) If a licensed Washington business, a copy of its current unexpired master business license;

(b) If a business not required to be licensed in this state, its federal employer identification number/federal tax number (or Uniform Business Identifier) on its official letterhead with a notarized signature of the owner or an authorized representative;

(c) If an attorney, a copy of the current bar card; or

(d) If a private investigator, a copy of the current private investigator's license; or

(e) If an out-of-state business not licensed in Washington:

(i) If the business is required to be licensed, a copy of its current business license issued by the governmental authority with jurisdiction over the license; or

(ii) If the business is not required to be licensed, its federal employer identification number/federal tax number on its official letterhead with a notarized signature of the owner or an authorized representative.

(5) If a business entity has entered into an agreement with the department, is a separate request for each inquiry required?

No. If a business entity has entered into a written agreement with the department, a separate request for each inquiry is not required.

(6) When may an individual be provided vessel owner name and address information?

(a) When the owner of record is requesting the information; or

(b) When the requester presents a bill of sale or other evidence of ownership and needs the ownership information of record to obtain a release of interest.

(7) Who may release the vessel owner name and address information?

(a) The department of licensing; or

(b) Agents and subagents, only when disclosing information for purposes described in subsection (6)(b) of this section.

(8) When may the department disclose the names and addresses of vessel owners?

Notwithstanding the provisions of chapter 42.17 RCW, the department may disclose the names and addresses of vessel owners when:

(a) The requesting party is a business entity that requests the information for use in their normal course of business;

(b) The request is in writing, signed by the person requesting disclosure, contains the full legal name and address of the requesting party and/or their business, and specifies the purpose for which the information will be used;

(c) The requesting party enters into a disclosure agreement with the department in which the party:

(i) Agrees they will use the information only for the purpose stated in the request for the information; and

(ii) Will not use, or facilitate the use of, the information for the purpose of making any unsolicited business contact with a person named in the disclosed information; and

(d) Individuals who meet the criteria listed in subsection (6) of this section.

(9) What does the term "unsolicited business contact" mean?

The term "unsolicited business contact" means a contact that is intended to result in or promote the sale of any goods or services to a person named in the disclosure information. The term does not apply to situations where the requesting party and such person have been involved in a business transaction prior to the date of the disclosure request and where the request is made in connection with the transaction.

(10) Is the department required to notify the vessel owner when ownership information is disclosed?

When the department grants a request from an attorney or private investigator, for information under this section, the department will provide notice to the vessel owner that the request has been granted. In addition, the notice will contain the name and address of the requesting party.

(11) How long will the department retain the request for disclosure of vessel owner information?

The department will retain the request for disclosure for three years.

(12) Who is responsible for assuring that the information is used appropriately?

Any person, business, entity or association that receives vessel owner information under this section is responsible for assuring that the information received is not used for a purpose contrary to the agreement between the person, business, entity or association and the department.

[Statutory Authority: RCW 88.02.070, 88.02.100, 01-16-105, § 308-93-087, filed 7/30/01, effective 8/30/01; 99-01-134, § 308-93-087, filed 12/21/98, effective 1/21/99; 92-24-035, § 308-93-087, filed 11/25/92, effective 12/26/92. Statutory Authority: RCW 88.02.070, 88-24-003 (Order TL/RG 47), § 308-93-087, filed 11/29/88.]

WAC 308-93-088 Disclosure violations, penalties. (1) What are violations of chapters 42.17 and 46.12 RCW, this chapter, or a disclosure agreement with the department?

(a) The unauthorized disclosure of information from a department vessel record;

(b) The use of a false representation to obtain information from the department's vessel records;

(c) The use of information obtained from the department vessel records for a purpose other than what is stated in the request for information or in the disclosure agreement executed with the department; or

(d) The sale or other distribution of any vessel owner name or address to another person not disclosed in the request or disclosure agreement.

(2) What are the penalties associated with these violations?

The department may suspend or revoke for up to five years the privilege of obtaining vessel record information.

In addition:

(a) The unauthorized disclosure of information from a department vessel record; or

(b) The use of a false representation to obtain information from the department's vessel records; or

(c) The use of information obtained from the department vessel records for a purpose other than what is stated in the request for information or in the disclosure agreement executed with the department; or

(d) The sale or other distribution of any vessel owner name or address to another person not disclosed in the request or disclosure agreement is a gross misdemeanor punishable by a fine not to exceed ten thousand dollars, or by imprisonment in a county jail not to exceed one year, or both such fine and imprisonment for each violation.

[Statutory Authority: RCW 88.02.070, 88.02.100, 01-16-105, § 308-93-088, filed 7/30/01, effective 8/30/01; 99-01-134, § 308-93-088, filed 12/21/98, effective 1/21/99. Statutory Authority: RCW 88.02.070, 88.02.100 and 46.12.380, 96-03-046, § 308-93-088, filed 1/11/96, effective 2/11/96. Statutory Authority: RCW 88.02.070 and 88.02.100, 92-24-035, § 308-93-088, filed 11/25/92, effective 12/26/92.]

WAC 308-93-089 Lists of registered and legal owners of vessels—Furnished for certain purposes—Penalty for unauthorized use. (1) What vessel record information is protected?

Vessel information protected under chapters 42.56 and 46.12 RCW and Executive Order 00-03 for vehicles includes:

- (a) Name and address information;
- (b) Social Security numbers;
- (c) Medical or disability information;
- (d) Telephone numbers; and
- (e) Bank account information.

(2) Who may receive list disclosure of individual vessel owner names and addresses?

In addition to any other authority that it may have, the department of licensing may furnish lists of registered and legal owners of vessels only for the purposes specified in this section to:

(a) The manufactures of vessels, or their authorized agents, to be used to enable those manufactures to carry out the provisions of the Federal Boat Safety Act of 1971 (85 Stat. 213; 46 U.S.C. 1451 et seq.) and the Code of Federal Regulations adopted by the United States Coast Guard;

(b) Any governmental agency of the United States or Canada, or political subdivisions, to be used by them or their authorized commercial agents or contractors only in connection with the enforcement of the laws governing the operation of a vessel or vessel safety programs administered by that government agency. Only such parts of the list as are required for completion of the work required of the agent or contractor shall be provided to such agent or contractor;

(c) A person, organization or entity for the purposes of compiling statistical data relating to vessel demographics in this state. The department may provide only a specific part of the list that is required for completion of the work required of the person, organization or entity;

(d) An authorized agent or contractor of the department to be used only in connection with providing vessel excise tax, licensing and registration information to vessel dealers; or

(e) Any business regularly making loans to other persons to finance the purchase of vessels, to be used to assist the person requesting the list to determine ownership of specific vessel for the purpose of determining whether or not to provide such financing.

(3) What documentation is needed to receive lists of vessel owner names and addresses?

Each entity must submit the following to the department:

(a) A record disclosure request form provided by the department and completed by the applicant; and

(b) Verification of the applicant's identity as a business; and

(c) A formal agreement between the requester and the department.

(4) What is acceptable verification?

For purposes of this section acceptable business verification includes:

(a) If a licensed Washington business, a copy of its current unexpired master business license;

(b) If a business not required to be licensed in this state, its federal identification number/federal tax number (or Uniform Business Identifier) on its official letterhead with a notarized signature of the owner or an authorized representative;

(c) If an attorney, a copy of the current bar card;

(d) If a private investigator, a copy of the current private investigator's license; or

(e) If an out-of-state business not licensed in Washington:

(i) If the business is required to be licensed, a copy of its current business license issued by the governmental authority with jurisdiction over the license; or

(ii) If the business is not required to be licensed, its federal employer identification number/federal tax number on its official letterhead with a notarized signature of the owner or an authorized representative.

(5) If a business entity or governmental agency has entered into an agreement with the department, is a separate request for each inquiry required?

No. If a business or governmental agency has entered into an agreement with the department, a separate request for each inquiry is not required if the information will be used as originally stated.

(6) Who may release list of vessel owner name and address information?

The department of licensing, vehicle services division's public disclosure/records/contracts section, is authorized to release lists of names and addresses to qualified applicants.

(7) When may the department disclose lists of names and addresses of vessel owners?

Notwithstanding the provisions of chapter 42.56 RCW, the department may disclose the names and addresses of vessel owners when:

(a) The requesting party is a business entity that requests the information for use in their normal course of business;

(b) The request is in writing, signed by the person requesting disclosure, contains the full legal name and address of the requesting party and/or their business, and specifies the purpose for which the information will be used; and

(c) The requesting party enters into a disclosure agreement with the department in which the party:

(i) Agrees they will use the information only for the purpose stated in the request for the information; and

(ii) Will not use, or facilitate the use of, the information for the purpose of making any unsolicited business contact with a person named in the disclosed information.

(8) What does the term "unsolicited business contact" mean?

The term "unsolicited business contact" means a contact that is intended to result in or promote the sale of any goods or services to a person named in the disclosure information. The term does not apply to situations where the requesting party and such person have been involved in a business transaction prior to the date of the disclosure request and where the request is made in connection with the transaction.

(9) Is the department required to notify the vessel owner when ownership information is disclosed?

No, except when the information is granted to an attorney or private investigator. The department will then provide the owner of the vessel with notification; the notice will also contain the name and address of the requesting party.

(10) How long will the department retain the request for lists of names and address disclosure?

The department will retain the requests for three years unless a contract for ongoing receipt of information is entered into.

(11) Who is responsible for assuring that the information is used appropriately?

Any person, business, entity or association that receives vessel owner information under this section shall be responsible for assuring that the information received is not used for a purpose contrary to the agreement between the person, business, entity or association and the department or state and federal laws and regulations.

[Statutory Authority: RCW 46.01.110, 06-15-059, § 308-93-089, filed 7/12/06, effective 8/12/06. Statutory Authority: RCW 88.02.070, 88.02.100, 01-16-105, § 308-93-089, filed 7/30/01, effective 8/30/01.]

WAC 308-93-090 Leased or rented vessels. (1) **What is the difference between leased and rented vessels?** For the purposes of this section a vessel is considered leased if the lease agreement is for a period of one year or more or there is an option to purchase. A vessel is considered rented if the rental agreement is for a period of less than one year and there is no option to purchase in the rental agreement.

(2) When must leased or rented vessels, used on Washington waters, be titled and registered or required to obtain an identification document? If the vessel is:

(a) Registered out-of-state or out-of-country and leased or rented, and used upon Washington waters, the owner of the vessel must purchase a permanent identification document from the department, issued to the vessel, on or before the sixty-first day of use as provided in RCW 88.02.030(3). If the vessel owner is not available, the person(s) applying for the identification document shall have notarized/certified power of attorney from a registered owner of the vessel authorizing him/her to purchase the permanent identification document and a copy of the valid registration issued by a country other than the United States or a United States Customs Service Cruising License.

(b) Registered in another state or country and leased or rented by a nonresident individual, and used upon Washington waters, the owner must purchase a Vessel Sixty Day Temporary Identification Document on or before the sixty-first day of use as provided in RCW 88.02.030(11). No more than two identification documents may be purchased in any twelve continuous months. If the vessel owner is not avail-

able, the person(s) applying for the identification document must have notarized/certified power of attorney from a registered owner of the vessel authorizing him/her to purchase the identification document. If the vessel is used upon Washington waters for more than one hundred and eighty days, it must be titled and registered in this state or removed from the waters of this state.

(c) Registered in another country or another state and leased or rented by a Washington resident, and used upon Washington waters, the following apply:

(i) If the lease is for one year or more or there is an option to buy on either the rental or lease agreement, the Washington resident must register the vessel in his or her name on or before the sixty-first day of use upon Washington waters.

(ii) If the vessel is rented for less than one year, it must be registered in the name of the owner, (not the operator) on or before the sixty-first day of use upon Washington waters. Any secured party is shown as the legal owner on the certificate of ownership.

(3) Whose name must be shown on the application for certificate of ownership and registration when the vessel is rented? The name of the owner, not the operator. Any secured party is shown as legal owner on the certificate of ownership.

(4) What documents must a Washington resident carry with them when they lease or rent a Washington registered vessel and operate the vessel on Washington waters?

(a) A copy of the lease or rental agreement signed by the owner or his authorized representative and by the person leasing or renting the vessel which must contain the vessel registration number, the period of time for which the vessel is leased or rented and the hull identification number; and

(b) A copy of the current registration certificate.

(5) Does a vessel owner need to surrender an out-of-state certificate of ownership to the department when they register a leased vessel in Washington? Depending on the following situations:

(a) If there is a secured party on the out-of-state certificate of ownership and lessee and lessor designations are shown as required by Washington state law or rule, the certificate of ownership need not be surrendered. Only a certificate of registration will be issued; a Washington certificate of ownership will not.

(b) If the out-of-state certificate of ownership does not show a secured party or is not in name agreement or does not show lessee and lessor designations as required by Washington law or rule, the out-of-state certificate of ownership shall be surrendered and a Washington certificate of ownership will be issued to the lessor/legal owner.

[Statutory Authority: RCW 88.02.070 and 88.02.100, 06-21-025, § 308-93-090, filed 10/9/06, effective 11/9/06; 01-03-128, § 308-93-090, filed 1/23/01, effective 2/23/01; 00-01-027, § 308-93-090, filed 12/6/99, effective 1/6/00; 84-19-026 (Order TL-RG 8), § 308-93-090, filed 9/13/84. Statutory Authority: 1983 c 7 § 20 and 1983 2nd ex.s. c 3 § 46, 83-23-076 (Order 736-DOL), § 308-93-090, filed 11/18/83.]

WAC 308-93-140 Decals—Placement, size, and color. (1) **Where do I place the decals I receive when I register my vessel in Washington?** Decals must be placed

on the vessel for which they were assigned. Decals must be affixed on (see illustration):

(a) Each side of the forward half of the vessel above the water line so it is easily visible for law enforcement; and



(c) For documented vessels, one decal must be affixed to each side of the forward half of the vessel for which it was assigned so it is easily visible for law enforcement.

(2) **What do the vessel decals look like that are issued by the department?** In accordance with 33 Code of Federal Regulations (CFR), vessel decals are approximately three inches square. The years in which validation decals expire must be indicated by the colors blue, international orange, green, and red, in rotation beginning with blue for decals that expired in 1985.

(3) **Which vessel decal shall be displayed?** To legally own or operate your vessel on Washington waters, you must only display the decal that shows your vessel is registered for the current registration year.

[Statutory Authority: RCW 88.02.070 and 88.02.100. 00-23-094, § 308-93-140, filed 11/21/00, effective 12/22/00; 99-21-097, § 308-93-140, filed 10/20/99, effective 11/20/99. Statutory Authority: RCW 88.02.100 and 88.02.120. 90-08-018, § 308-93-140, filed 3/28/90, effective 4/28/90. Statutory Authority: RCW 88.02.100. 84-21-131 (Order TL/RG-10), § 308-93-140, filed 10/24/84. Statutory Authority: RCW 88.02.070 and 88.02.100. 84-13-086 (Order TL-RG-2), § 308-93-140, filed 6/21/84. Statutory Authority: 1983 c 7 § 20 and 1983 2nd ex.s. c 3 § 46. 83-23-076 (Order 736-DOL), § 308-93-140, filed 11/18/83.]

WAC 308-93-145 Vessel registration numbers—Display, size, color. (1) **What vessels are required to display a vessel registration number?** All vessels registered under chapter 88.02 RCW are required to display the vessel registration numbers. Vessels documented by the United States Coast Guard are prohibited from displaying the registration number.

(2) **What are vessel registration numbers?** Vessel registration numbers are configured in accordance with 33 CFR 174.23 and:

(a) Uniquely identify a vessel (the same way license plate numbers identify a vehicle);

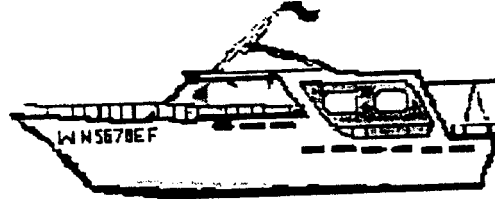
(b) Are assigned by the department when you apply for initial registration for your vessel or when a vessel owner is retaining the registration number issued by the United States Coast Guard prior to July 1984;

(c) Are printed on your registration certificate and certificate of ownership;

(3) **How do I display the assigned vessel registration number on my vessel?** The registration number assigned must:

(a) Be painted on or permanently attached to each side of the forward half of the vessel and easily visible for law enforcement except as allowed by subsection (6) of this section or required by subsection (9) of this section and must be on a vertical surface;

(b) Within six inches aft of, and directly on line with, the vessel registration number as provided by WAC 308-93-145(3). and



(b) Be in plain vertical block characters of not less than three inches in height;

(c) Contrast with the color of the background and be distinctly visible and legible;

(d) Have spaces or hyphens that are equal to the width of a letter other than "I" or a number other than "1" between the letter and number groupings (example: WN 5678 EF or WN-5678-EF); and

(e) Read from left to right.

(4) **Are vessel registration numbers transferable from vessel to vessel?** Vessel registration numbers are not transferable between vessels. Once assigned, a vessel registration number cannot be reassigned to another vessel.

(5) **Does a Washington licensed dealer need to display registration numbers and decals when demonstrating or testing a vessel held for sale?** Washington licensed vessel dealers must display dealer registration numbers and decals assigned and issued by the department. Dealer registration numbers and decals must be displayed in the following manner:

(a) The department assigned dealer vessel registration number must be permanently attached to a backing plate;

(b) The department issued decal must be affixed within six inches aft of and directly on line with the dealer registration number as provided by WAC 308-90-070(1); and

(c) The backing plate must be attached to the forward half of the vessel so that the number is visible from each side of the vessel when observed from outside the vessel.

(6) **How do I display my vessel registration number if my vessel's hull or superstructure is configured so that the vessel registration number would not be easily visible?** In this case, the vessel registration number must be painted on or permanently attached to backing plates that are attached to the forward half of the vessel so that the number is visible from the outside of the vessel.

(7) **Are any numbers other than those issued by an issuing authority allowed on the front half of my vessel?** No person may use a vessel on the waters of this state that has any number that is not issued by an issuing authority (as defined in WAC 308-93-010) for that vessel on its forward half.

(8) **Are there any letters that may not be used in the configuration of a vessel registration number?** Yes, the letters I, O, and Q. Registration numbers that currently contain I, O, and Q will be reassigned by the department upon registration renewal due on or after July 1, 2004.

(9) **Is a tender as described in chapter 88.02 RCW required to display a vessel registration number?** Vessels used as a tender, while exempt from registration under RCW

88.02.030, must display the numbers of the parent vessel with an additional number following the letter of the vessel registration number. (Example a) WN 5678 EF 1 or WN-5678-EF-1. The second tender vessel registration number will be the next consecutive number. (Example b) WN 5678 EF 2 or WN-5678-EF-2.

[Statutory Authority: RCW 88.02.070 and 88.02.100. 01-11-100, § 308-93-145, filed 5/21/01, effective 6/21/01; 00-23-094, § 308-93-145, filed 11/21/00, effective 12/22/00. Statutory Authority: RCW 88.02.100. 00-09-065, § 308-93-145, filed 4/18/00, effective 5/19/00. Statutory Authority: RCW 88.02.070 and 88.02.100. 99-21-097, § 308-93-145, filed 10/20/99, effective 11/20/99; 84-13-086 (Order TL-RG-2), § 308-93-145, filed 6/21/84.]

WAC 308-93-146 Vessel carbon monoxide warning sticker. (1) What is a carbon monoxide warning sticker?

A carbon monoxide warning sticker is displayed on a vessel to warn people of the dangers of carbon monoxide poisoning.

(2) What vessels are required to have a carbon monoxide warning sticker? Any vessel with an engine that produces carbon monoxide by burning a carbon based fuel such as: Gas, propane, oil, diesel, or charcoal. A personal watercraft (Jet Ski type) is exempt from this rule.

(3) How do I get a carbon monoxide warning sticker? You will receive the carbon monoxide warning sticker from your vessel dealer, or vehicle/vessel licensing offices when you:

- (a) Purchase a vessel from a dealer; or
- (b) Renew your vessel registration; or
- (c) Transfer a vessel into your name from a private sale;

or

(d) Transfer a vessel from outside the state or country with a certificate of ownership or registration to a Washington certificate of ownership or registration; or

(e) Request one through your local vehicle/vessel licensing office; or

(f) Receive one that has been approved by the Coast Guard from a boating safety organization.

(4) Where do I attach the carbon monoxide warning sticker to my boat or vessel? You must attach it on the interior of the vessel so it is clearly visible to a person and where they may be exposed to carbon monoxide.

(5) Is there a charge for the carbon monoxide warning sticker? No.

(6) Will I ever have to replace my vessel carbon monoxide warning sticker? Yes, when the sticker becomes faded, damaged, or is no longer readable you can request a replacement at no cost.

(7) Will a carbon monoxide warning sticker installed by the manufacturer or issued by another state meet the requirements of this rule? Yes, the department will accept any warning sticker that warns of the dangers of carbon monoxide poisoning, provided the warning sticker is attached on the interior of the vessel.

[Statutory Authority: Chapter 88.02 RCW. 06-22-026, § 308-93-146, filed 10/25/06, effective 11/25/06.]

WAC 308-93-160 Excise tax exemptions—Indians.

(1) What definitions does the department apply to this section? For purposes of this rule, the following words and terms have the following meanings:

(a) "Indian country" means all lands, notwithstanding the issuance of any patent, within the exterior boundaries set aside by the United States for the use and occupancy of Indian tribes by treaty, law or executive order and which are areas currently recognized as "Indian country" by the United States Department of the Interior as referenced in 18 USC 1151 and CFR 25.

(b) "Indian tribe" means an Indian nation, tribe, band, or community recognized as an "Indian tribe" by the United States Department of the Interior.

(c) "Indian" means a person on the tribal rolls of the Indian tribe occupying an Indian reservation.

(2) What Indian tribes in Washington are recognized by the United States Department of the Interior? The only Washington "Indian tribes" are those currently recognized as such by the United States Department of the Interior. As of the effective date of this rule there are twenty-eight federally recognized Indian tribes in the state of Washington. You may contact the governor's office of Indian affairs for an up-to-date list of federally recognized Indian tribes in the state of Washington at its web site, www.goia.wa.gov or at:

Governor's Office of Indian Affairs
531 15th Ave. S.E.
P.O. Box 40909
Olympia, WA 98504-0909
(360) 753-2411

(3) How does an Indian qualify for a vessel excise tax exemption? To qualify for a vessel excise tax exemption, an Indian must:

(a) Be enrolled as a tribal member of a recognized Washington tribe;

(b) Have their principal residence within the boundaries of the Indian reservation of the tribe of which they are a member; and

(c) Be a registered owner of the vessel for which the exemption is requested; or

(d) Be the owner of a vessel used in the exercise of treaty fishing rights as defined in the Consent Decree, dated November 28, 1994, entered in *United States v. Washington*, Civ. No. 9213 - Phase I - Sub. 88-1 and signed by the United States, the signatory tribes and the state of Washington.

(4) Are vessels owned by or leased to a governing body of an Indian tribe subject to vessel excise tax? No. Vessels owned by or leased to a governing body of an Indian tribe are not subject to vessel excise tax. Tribal treaty fishing vessels are exempt from excise tax and registration as described in WAC 308-93-700 through 308-93-770.

(5) What documentation does the department require from a tribal member to qualify for a vessel excise tax exemption?

(a) The department requires a properly completed affidavit of exemption on a form supplied or approved by the department. An affidavit for each vessel must be submitted at the time the exemption is established and at the time of renewal if there is a change of address. The department may require such other proof of qualification for exemption as it deems necessary.

(b) If the vessel is used in the exercise of treaty fishing rights, as defined in the Consent Decree dated November 28, 1994, entered in *United States v. Washington*, Civ. No. 9213

– Phase I – Sub. 88-1 and signed by the United States, the signatory tribes and the state of Washington, the registered owner must provide proof that the vessel is registered under the provisions of WAC 308-93-700 through 308-93-770.

(6) What information must be contained within the affidavit of exemption described in subsection (5)(a) of this section? At the minimum, the affidavit of exemption must include the following:

(a) Description of the vessel including the year and make and either the Washington registration number or the hull identification number;

(b) The registered owner's name, tribe, reservation and enrollment or Bureau of Indian Affairs number;

(c) The principal address of the registered owner as will be shown on the vessel registration certificate;

(d) Signature of the registered owner;

(e) A certification of an authorized tribal authority representing the Indian reservation of the tribe of which the registered owner is a member. The position or title of the tribal authority, their telephone number and their signature must appear on the certification. The certification must include a statement that the registered owner is an enrolled tribal member and that the address provided by the registered owner is within the boundaries of their reservation.

[Statutory Authority: RCW 88.02.070, 88.02.100, 01-03-128, § 308-93-160, filed 1/23/01, effective 2/23/01; 00-01-027, § 308-93-160, filed 12/6/99, effective 1/6/00; 84-13-086 (Order TL-RG-2), § 308-93-160, filed 6/21/84. Statutory Authority: 1983 c 7 § 20 and 1983 2nd ex.s. c 3 § 46, 83-23-076 (Order 736-DOL), § 308-93-160, filed 11/18/83.]

WAC 308-93-200 Involuntary transfer of a vessel. (1) Who may repossess a vessel? A Washington titled vessel may only be repossessed by the legal owner of record or secured party.

(2) What documentation does the department require when a vessel is repossessed? In addition to other documents required:

(a) The most recent certificate of ownership; or

(b) An affidavit in lieu of certificate of ownership; and

(c) A notarized/certified signature on an affidavit of repossession.

(3) Is the secured party/legal owner required to apply for a new certificate of ownership when a vessel has been repossessed? If the secured party/legal owner intends to hold the vessel for resale, they do not need to apply for a new certificate of ownership. Upon transfer to another person, the buyer must promptly mail or deliver to the department those documents referenced in subsection (2) of this section.

[Statutory Authority: RCW 88.02.070 and 88.02.100, 00-23-029, § 308-93-200, filed 11/7/00, effective 12/8/00; 98-21-001, § 308-93-200, filed 10/8/98, effective 11/8/98. Statutory Authority: 1983 c 7 § 20 and 1983 2nd ex.s. c 3 § 46, 83-23-076 (Order 736-DOL), § 308-93-200, filed 11/18/83.]

WAC 308-93-220 Department may refuse or cancel certificates. (1) Can the department refuse to issue a certificate of ownership or registration? Yes, if the department determines at any time that an applicant for certificate of ownership or registration for a vessel is not entitled to these certificates, the department may refuse to issue such certificates.

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(2) Can the department cancel a certificate of ownership or registration? Yes, the department may cancel the certificate of ownership or registration already acquired.

(3) How will the department notify an applicant if a certificate of ownership or registration has been refused or canceled? Notice of cancellation may be accomplished by sending a notice by first class mail using the last known address in department records for the legal vessel owner or owners, and recording the transmittal on an affidavit of first class mail.

(4) May the vessel be operated if the certificate of ownership or registration has been refused or canceled? No. It is unlawful for any person to operate the vessel until a proper certificate of ownership and registration has been issued. Any person operating a vessel after the refusal or cancellation of the certificates by the department will be guilty of a gross misdemeanor.

[Statutory Authority: RCW 88.02.070 and 88.02.100, 00-23-029, § 308-93-220, filed 11/7/00, effective 12/8/00; 98-21-001, § 308-93-220, filed 10/8/98, effective 11/8/98. Statutory Authority: 1983 c 7 § 20 and 1983 2nd ex.s. c 3 § 46, 83-23-076 (Order 736-DOL), § 308-93-220, filed 11/18/83.]

WAC 308-93-230 Procedure for perfecting security interest. (1) How is the security interest in a vessel perfected?

A security interest in a vessel is perfected when the requirements similar to RCW 46.12.095 for vehicles is followed. Security interest in a vessel (other than one held as inventory by a manufacturer or a dealer and for which a certificate of ownership is required) is perfected only by completing the requirements of RCW 46.12.103 for vessels under the circumstances provided for in this section:

(a) The existing certificate and application for certificate of ownership containing the name and address of the secured party is received by the department with required fees; or

(b) The secured interest is perfected as of the time of its creation if the secured party's name and address appear on the outstanding certificate of ownership when received in (a) of this subsection with appropriate fees; or

(c) The vessel is subject to a security interest when brought into this state. The perfection of the security interest is determined by the jurisdiction in which the vessel was either purchased, registered and/or titled and the security interest is attached.

If perfected through the laws of another jurisdiction, the following applies:

(i) If the name of the secured party is shown on the existing certificate of ownership issued by that jurisdiction, the security interest continues perfected in this state.

(ii) If the security interest was not perfected under the law of the jurisdiction where the vessel was when the security interest was attached, it may be perfected in this state, in that case perfection dates from the time of perfection in this state.

The application must be in the same manner as provided for vehicles and WAC 308-93-069 and 308-93-070 as provided for vessels.

(2) When would the department of licensing not issue a certificate of ownership?

(a) Vessels that are documented in compliance with federal regulations are issued a registration and are not issued a certificate of ownership; or

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- (b) When ownership in doubt; or
- (c) The out-of-state lien holder retains title.

(3) What fees are charged for adding, deleting or changing a secured party?

An application fee and filing fee are due for each transaction. An additional service fee is charged if a licensing sub-agent processes the transaction as referenced in RCW 88.02.070.

(4) What is the secured party's obligation when the lien has been satisfied?

When a certificate of ownership is required, the secured party must comply with RCW 46.12.170 as provided for vehicles, and WAC 308-93-069 and 308-93-070 as provided for vessels and pay the required fees.

Requirements for application for certificate of ownership:

(a) New vessels:

(i) Application for certificate of ownership to a vessel never before licensed or titled shall be accompanied by a manufacturer's statement of origin, carpenter's certificate, or a copy of the factory invoice.

(ii) The manufacturer's statement of origin, carpenter's certificate, or factory invoice must reflect the model year, make, length and hull identification number of the vessel.

(iii) The department will not accept any manufacturer's statement of origin, carpenter's certificate, or factory invoice for the issuance of a certificate of ownership unless all persons named on the manufacturer's statement of origin, including dealers, have released or assigned their interest, or on a release of interest form approved by the department.

(iv) Dealer-to-dealer transfers may be accomplished either by appropriate endorsement of the manufacturer's statement of origin, carpenter's certificate, or factory invoice, or release of interest form approved by the department. A complete chain of ownership must be reflected from the original dealer named on the manufacturer's statement of origin to the retail selling dealer making the application.

(v) A copy of the factory invoice may be used in lieu of the manufacturer's statement of origin or carpenter's certificate only when such documents are not available and obtaining a replacement from the manufacturer would cause an undue amount of delay in titling the vessel. A certificate of fact describing why the statement of origin or carpenter's certificate is not available must be accompanied by the photocopy of the factory invoice and any necessary releases of interest on a form approved by the department.

(b) Vessels with existing certificate of ownership from a foreign titling jurisdiction:

- (i) Excise exemption affidavit;
- (ii) A copy of the bill of sale or sales agreement;
- (iii) Declaration of value form;
- (iv) Previous ownership document properly released;
- (v) Proof of sales tax paid;
- (vi) Release of interest;
- (vii) Other verification of ownership approved by the department, such as:

(A) A judgment from a district or superior court of any county of this state awarding ownership; or

(B) Document from an involuntary divestiture sale or auction; and/or

(C) Copy of certificate of documentation of vessel issued by the United States Coast Guard.

(c) Vessels without existing certificate of ownership or from a nontitling jurisdiction:

- (i) Excise exemption affidavit;
- (ii) A copy of the bill of sale or sales agreement;
- (iii) Declaration of value form;
- (iv) Previous ownership document properly released;
- (v) The registration, if it is from a nontitle state;
- (vi) Proof of sales tax paid;
- (vii) Manufacturer's statement of origin, factory invoice, or carpenter's certificate;
- (viii) An affidavit in lieu of title;
- (ix) Release of interest;
- (x) Other verification of ownership approved by the department to include:

(A) A judgment from a district or superior court of any county of this state awarding ownership; or

(B) Document from an involuntary divestiture sale or auction; and/or

(C) Copy of certificate of documentation of vessel issued by the United States Coast Guard; and/or

(D) An affidavit certifying when and where the vessel was acquired or brought into the state.

(5) What is the secured party's obligation when the lien has been satisfied due to the sale of the vessel?

The secured party must comply with RCW 46.12.101 as provided for vehicles and WAC 308-93-069 and 308-93-070 as provided for vessels.

Vessel owners applying for certificate of ownership and/or registration of a vessel must submit an application, which includes, but is not limited to:

- (a) Expiration date of the certificate of registration;
- (b) The name of each owner of the vessel and if the vessel is subject to security interest, the name of each secured party;
- (c) The department-assigned customer account number for each owner of the vessel including secured parties if available;
- (d) The address at which one of the owners regularly receives mail;
- (e) The mailing address of the first secured party;
- (f) The Washington registration number as assigned;
- (g) Make and model year;
- (h) Length of vessel;
- (i) Type of power (gasoline, diesel, etc.);
- (j) Primary use (commercial, pleasure, etc.);
- (k) Primary method of propulsion (inboard, sail, etc.);
- (l) Type of vessel (runabout, cabin, etc.);
- (m) Primary vessel construction (fiberglass, wood, etc.);
- (n) County of moorage;
- (o) Hull identification number, if one has been assigned;
- (p) Latest purchase price and purchase year or, if the vessel was not acquired by purchase, a declaration of value and year of declaration.

For the purposes of this section, purchase price or declared value includes the vessel, vessel motor, or engine, and all other equipment and accessories, excluding a boat trailer, purchased or acquired in a single transaction;

(q) United States Coast Guard document number, if applicable.

In addition to the information listed above, upon original application for certificate of ownership and/or registration of a homemade vessel, the owner shall complete and sign a declaration of value form. The owner's signature must be notarized/certified in accordance with WAC 308-93-470.

(6) Is the secured party liable for the acts of the vessel owner?

No. The secured party is not liable or responsible for any act or contract made by the vessel owner or by any person representing the vessel owner.

[Statutory Authority: RCW 88.02.070 and 88.02.100. 03-15-019, § 308-93-230, filed 7/8/03, effective 8/8/03. Statutory Authority: RCW 46.16.381. 02-04-001, § 308-93-230, filed 1/23/02, effective 2/23/02. Statutory Authority: RCW 88.02.070 and 88.02.100. 98-21-001, § 308-93-230, filed 10/8/98, effective 11/8/98; 92-24-035, § 308-93-230, filed 11/25/92, effective 12/26/92. Statutory Authority: 1983 c 7 § 20 and 1983 2nd ex.s. c 3 § 46. 83-23-076 (Order 736-DOL), § 308-93-230, filed 11/18/83.]

WAC 308-93-241 Undercover and confidential vessel registration—Application procedures. (1) What are undercover and confidential vessel registrations? They are vessel registrations and decals assigned only to vessels owned or operated by government agencies as identified in RCW 88.02.035.

(2) When is an undercover or confidential vessel registration issued? An undercover or confidential vessel registration is issued to government agencies when the vessel is being used in confidential, investigative, or undercover work.

(3) How are undercover and confidential vessels registered?

(a) An undercover vessel registration record will show fictitious names and addresses on all department records subject to public disclosure.

(b) A confidential vessel registration record will show the government agency name and address on all department records subject to public disclosure.

(4) Who is responsible for verifying that only fictitious names and addresses are used for undercover vessel registrations? The individual signing the application.

(5) How does a government agency apply for an undercover or confidential vessel registration?

(a) A completed application form approved by the department needs to be signed by the government agency head or designated contact person.

(b) A copy of the current title, registration or other documents approved by the department of licensing that proves the vessel is owned or operated by the government agency.

[Statutory Authority: RCW 46.08.066 and 88.02.035. 06-04-026, § 308-93-241, filed 1/24/06, effective 2/24/06. Statutory Authority: RCW 88.02.100, 88.02.070, 88.02.120. 02-22-004, § 308-93-241, filed 10/24/02, effective 11/24/02; 00-22-068, § 308-93-241, filed 10/30/00, effective 11/30/00; 98-16-001, § 308-93-241, filed 7/22/98, effective 8/22/98. Statutory Authority: RCW 88.02.035(3). 92-15-023, § 308-93-241, filed 7/6/92, effective 8/6/92.]

WAC 308-93-242 Undercover/confidential vessel registration—Agency contact. (1) Who may represent a government agency regarding undercover or confidential vessel registrations? The government agency head may designate a maximum of two agency employees to represent the agency regarding undercover/confidential registration. The government agency head must provide name, signature,

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title, address, telephone number, and if applicable, fax number and e-mail address of each designee must be provided.

(2) How often does the government agency contact information need to be updated? The government agency contact information must be updated, in writing, within thirty days of any change in the agency head or designee.

[Statutory Authority: RCW 88.02.100, 88.02.070, 88.02.120. 02-22-004, § 308-93-242, filed 10/24/02, effective 11/24/02; 00-22-068, § 308-93-242, filed 10/30/00, effective 11/30/00; 98-16-001, § 308-93-242, filed 7/22/98, effective 8/22/98. Statutory Authority: RCW 88.02.035(3). 92-15-023, § 308-93-242, filed 7/6/92, effective 8/6/92.]

WAC 308-93-243 Undercover or confidential vessel registrations—Vessel inventory. (1) How does the department maintain a current inventory listing of vessels with undercover or confidential registrations?

(a) The department provides an inventory list of vessels, scheduled to be renewed within the next quarter, to each agency participating in the undercover/confidential vessel registration program. Each government agency verifies the accuracy of the information by:

(i) Correcting any erroneous information;

(ii) Deleting vessels no longer in the program by marking plainly on the list "deleted" next to the vessel that needs to be deleted;

(iii) Signing the inventory list certifying that all undercover and confidential vessels shown on the list are being utilized under RCW 88.02.035(3); and

(iv) Returning the updated inventory list to the department by the date requested.

(b) The department updates the agency inventory based on information submitted by the agencies.

(2) What action does the department take if a government agency fails to return their inventory list? The department may refuse to renew a vessel(s) shown on the quarterly inventory list until the government agency has complied with the requirements of subsection (1) of this section.

[Statutory Authority: RCW 88.02.100, 88.02.070, 88.02.120. 02-22-004, § 308-93-243, filed 10/24/02, effective 11/24/02; 00-22-068, § 308-93-243, filed 10/30/00, effective 11/30/00; 98-16-001, § 308-93-243, filed 7/22/98, effective 8/22/98. Statutory Authority: RCW 88.02.035(3). 92-15-023, § 308-93-243, filed 7/6/92, effective 8/6/92.]

WAC 308-93-244 Undercover or confidential vessel registrations—Cancellation. (1) Who may cancel undercover or confidential vessel registrations? Undercover or confidential vessel registrations may be canceled in one of two ways:

(a) The department may cancel or refuse to renew undercover or confidential vessel registrations when the department has reasonable cause to believe the vessel is being used for purposes other than those authorized in RCW 88.02.035; or

(b) A government agency may request cancellation of their undercover or confidential vessel registration when the undercover or confidential registration is no longer required.

(2) How does a government agency cancel undercover or confidential vessel registration? The government agency notifies the department in writing that the undercover or confidential vessel registration is no longer required, and indicates that the vessel registration numbers and decals have been removed from the vessel. The department of licensing

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then changes the record to indicate the vessel is registered to the government agency.

(3) **May the undercover or confidential vessel registration numbers and decals remain on the vessel when it is removed from the program?** No. The registration numbers and decals must be removed from the vessel.

[Statutory Authority: RCW 88.02.100, 88.02.070, 88.02.120, 02-22-004, § 308-93-244, filed 10/24/02, effective 11/24/02; 00-22-068, § 308-93-244, filed 10/30/00, effective 11/30/00; 98-16-001, § 308-93-244, filed 7/22/98, effective 8/22/98. Statutory Authority: RCW 88.02.035(3), 92-15-023, § 308-93-244, filed 7/6/92, effective 8/6/92.]

WAC 308-93-270 Appeals to superior court from suspension, cancellation, or refusal of registration or certificate of ownership. May I appeal the department's decision to refuse to issue a registration or certificate of ownership or suspend or cancel a registration or certificate of ownership?

Yes. The suspension, cancellation, or refusal by the department of any registration or certificate of title provided for in chapter 88.02 RCW and chapter 250, Laws of 1984, or chapter 308-93 WAC will be conclusive unless the person whose registration or certificate is suspended, canceled, or refused appeals to the superior court of Thurston County, or to the superior court of the county of the person's residence, for the purpose of having the suspension, cancellation, or refusal of such registration or certificate set aside. Notice of appeal must be filed within ten days after receipt of the notice of suspension, cancellation, or refusal. Upon the filing of the notice of appeal the court must issue an order to the department to show cause why the registration should not be granted or reinstated, which order must be returned not less than ten days after the date of service thereof upon the department. Service must be in the manner prescribed for service of summons and complaint in other civil actions.

At the hearing on the order to show cause, the court will hear evidence concerning matters with reference to the suspension, cancellation, or refusal of the registration or certificate and will enter judgment either affirming or setting aside such suspension, cancellation, or refusal.

[Statutory Authority: RCW 46.16.381, 02-04-001, § 308-93-270, filed 1/23/02, effective 2/23/02. Statutory Authority: RCW 88.02.070 and 88.02.100, 99-03-002, § 308-93-270, filed 1/7/99, effective 2/7/99; 84-13-086 (Order TL-RG-2), § 308-93-270, filed 6/21/84. Statutory Authority: 1983 c 7 § 20 and 1983 2nd ex.s. c 3 § 46, 83-23-076 (Order 736-DOL), § 308-93-270, filed 11/18/83.]

WAC 308-93-275 Abandoned vessels. What are the options for disposing of an abandoned vessel?

An abandoned vessel may be disposed of in several ways, depending upon where it is abandoned.

(1) Vessel abandoned adrift.

The watercraft adrift laws (chapter 79A.60 RCW) provide details for disposing of vessels abandoned on water.

(a) In addition to other documents required by law or rule, the following documents are required when applying for a certificate of ownership to a vessel that was abandoned adrift.

(i) A copy of the court order authorizing the sale of the abandoned vessel;

(ii) A bill of sale from the entity selling the vessel; and

(iii) A properly completed and notarized/certified vessel data form unless a completed vessel title application is submitted in lieu of the vessel data form.

(2) Vessel abandoned on land.

(a) A vessel abandoned on land may be disposed of by one of the following:

(i) The lost and found property laws in chapter 63.21 RCW; or

(ii) The unclaimed property in hands of city police (chapter 63.32 RCW); or

(iii) Unclaimed property in the hands of Washington state patrol (chapter 63.35 RCW); or

(iv) Unclaimed property in hands of sheriff (chapter 63.40 RCW).

(b) Documents needed to apply for a certificate of ownership for vessel that was abandoned on a highway of this state and towed by a registered tow truck operator. Vessels that are:

(i) Registered with the department; and

(ii) Found abandoned on a highway of this state; and

(iii) Towed by a registered tow truck operator

are subject to the requirements of the abandoned vehicle laws (chapter 46.55 RCW). The vessel may be sold using an abandoned vehicle report as proved in chapter 46.55 RCW. A properly completed and notarized/certified vessel data form is required upon application for certificate of ownership unless a completed vessel title application is submitted in lieu of the vessel data form.

(3) Vessel considered abandoned at a moorage facility.

A vessel moored in a moorage facility is considered abandoned when the vessel owner fails to pay the port charges owed.

Publicly owned moorage facilities attempting to dispose of a vessel for failure of the owner to pay port charges must follow the requirements of RCW 53.08.320. Privately owned moorage facilities attempting to dispose of a vessel for failure of the owner to pay port charges must follow the requirements of RCW 88.26.020.

[Statutory Authority: RCW 46.16.381, 02-04-001, § 308-93-275, filed 1/23/02, effective 2/23/02.]

WAC 308-93-276 Vessel seller's report of sale. (1) Who must file a vessel seller's report of sale? With the exception of certain vessel transfers by registered Washington vessel dealers, Washington law (RCW 88.02.070 and 46.12.101) requires filing of a vessel seller's report of sale by any person or business that transfers their interest in a Washington registered/titled vessel to anyone else. For the purposes of this rule, transferring an interest includes, but is not limited to, selling, gifting, trading or disposing of your vessel, but does not include the creation, deletion, or change of a security interest.

(2) **When must a vessel seller's report of sale be filed?** Vessel seller's report of sale must be received by the department within five days of the date of sale, gift, trade or other disposition of the vessel, excluding Saturdays, Sundays, and state and federal holidays.

(3) **Who is the seller?** The seller is a person (individual or business) who transfers their right of ownership of a vessel to another person or business.

(4) **Who is the purchaser?** The purchaser is a person (individual or business) who takes a vessel into their possession, by voluntary acquisition.

(5) **How do I file my vessel seller's report of sale?** You may file your seller's report of sale by mailing it to the department.

(6) **What information is required on the vessel seller's report of sale?** You are required to provide the following information:

- (a) The date of the sale or transfer;
- (b) Name(s) and address of seller;
- (c) Name(s) and address of transferee (buyer);
- (d) Description of vessel including:
 - (i) Vessel hull identification number; and
 - (ii) Vessel registration number.

(7) **May a vessel seller's report of sale be removed from my vessel record?** Yes. As a registered owner, you may have a vessel seller's report of sale removed by notifying the department in writing. You will need to provide the reason you are removing the report of sale.

(8) **How will I show that I filed a vessel seller's report of sale?** To obtain a copy of the filed seller's report of sale, you must contact the department.

Washington law makes it clear that it is a felony to knowingly make a false statement of fact. The penalty, upon conviction, shall be a fine of not more than five thousand dollars or imprisonment of not more than ten years, or both the fine and imprisonment. (RCW 46.12.210.)

[Statutory Authority: RCW 46.01.110 and 46.12.101. 06-23-038, § 308-93-276, filed 11/7/06, effective 12/8/06. Statutory Authority: RCW 88.02.070 and 88.02.100. 02-24-013, § 308-93-276, filed 11/25/02, effective 12/26/02.]

WAC 308-93-280 Hull identification numbers. (1) Is a hull identification number required to use a vessel on the waters of Washington state?

Yes. A hull identification number is required on any vessel that is used on the waters of this state unless application for hull identification number has been made and issuance of the hull identification number is pending.

(2) **Is it unlawful to destroy, remove, alter, cover or deface the HIN?**

Yes. It is unlawful for a person, firm, association or corporation to destroy, remove, alter, cover or deface a HIN.

(3) **When is the hull identification number (HIN) assigned by the department?**

If a HIN is not affixed during manufacture, a HIN is assigned by the vehicle field system at the time of application for registration, whenever the HIN has been:

- (a) Altered;
- (b) Removed;
- (c) Obliterated;
- (d) Defaced;
- (e) Omitted; or
- (f) Is otherwise absent.

If the model year of the vessel is a 1985 or newer, then the HIN will be verified via the manufacturer's statement of origin (MSO).

(4) **How is the department assigned HIN affixed to the vessel?**

(a) The HIN must be clearly imprinted or otherwise permanently affixed above the waterline in such a way that alteration, removal, or replacement would be obvious or evident; and

(b) The HIN must be at least one quarter of an inch in height and shall be placed on:

- (i) The outboard starboard side of the transom; or
- (ii) The outermost starboard side at the end of the hull that bears the rudder or other steering mechanism, if there is no transom.

(5) **Can the previous HIN be reaffixed?**

The department may authorize the vessel owner to reaffix the HIN.

(6) **If a HIN is missing on a vessel that is abandoned on or along a public highway, may the vessel be processed through the abandoned vehicle process?**

Yes, if a certificate of ownership/registration has been issued. If not, then vessels abandoned on or along the public highways may not be processed through the abandoned vehicle statute (chapter 46.55 RCW). Such vessels are considered personal property and must be disposed of in accordance with chapters 63.32, 63.35 and 63.40 RCW.

[Statutory Authority: RCW 46.16.381. 02-04-001, § 308-93-280, filed 1/23/02, effective 2/23/02. Statutory Authority: RCW 88.02.070 and 88.02.100. 99-03-002, § 308-93-280, filed 1/7/99, effective 2/7/99. Statutory Authority: 1983 c 7 § 20 and 1983 2nd ex.s. c 3 § 46. 83-23-076 (Order 736-DOL), § 308-93-280, filed 11/18/83.]

WAC 308-93-285 Vessel length measurement. (1)

How is the length of my vessel calculated? The overall length of a vessel provided by the owner on application for certificate of ownership must be rounded down to the nearest whole foot. Vessel measurement must be from the tip of the bow to the stern of the vessel down the centerline but not including boomkins, swim ladders, outboard engines, or other extremities.

(2) **How do I change the recorded length of my vessel if incorrect?** Changing the recorded vessel length, unless incorrectly entered by the department requires:

- (a) Verification of remeasurement from:
 - (i) A law enforcement agency; or
 - (ii) A port agency; or
 - (iii) The United States Coast Guard; or
 - (iv) Authorized representatives of the department.

(b) Documentation from the vessel manufacturer providing the correct length for that model vessel.

(c) Verification must be on agency letterhead and include the vessel description and signature of an authorized representative.

[Statutory Authority: RCW 88.02.070 and 88.02.100. 01-08-021, § 308-93-285, filed 3/27/01, effective 4/27/01; 98-16-030, § 308-93-285, filed 7/29/98, effective 8/29/98; 92-24-035, § 308-93-285, filed 11/25/92, effective 12/26/92.]

WAC 308-93-295 Dealer temporary permits to operate vessels. (1) What documents are required to place or use a vessel on the water if purchased from a Washington licensed vessel dealer? If a vessel is purchased from a Washington vessel dealer licensed under chapter 88.02 RCW, the following documents are required:

(a) If the vessel is currently registered in Washington state, the vessel may be placed or used on the waters immediately, provided the sale documents are carried on the vessel; or

(b) If the vessel is not currently registered in Washington state, the dealer may issue a thirty-day temporary permit, allowing the vessel to be placed or used on the water. In addition to the permit the sale documents must be carried on the vessel and made available upon request.

(2) **How long does the dealer have to apply for certificate of ownership and provide a new registration to the purchaser?** The dealer must apply for a certificate of ownership within thirty days from the date of delivery. The dealer must make available a new registration to the purchaser within limits set by WAC 308-90-150 from the date of delivery. Only one vessel dealer temporary permit may be used.

(3) **How does a Washington licensed vessel dealer complete a vessel temporary permit?** A Washington licensed vessel dealer completes a temporary permit as follows:

(a) Fill out the certificate of ownership portion of the permit, detailing all owners and all fees collected, including the dealer's report of sale and date of sale/delivery. All registered owners must sign the application and signatures must be notarized/certified.

(b) Detach the cardboard copy of the permit and record the date of expiration in dark permanent ink, with bold letters and numbers, on the permit side of that copy. Present the remaining copies to a license agent within thirty calendar days of delivery as an application for registration and certificate of ownership. The dealer will receive a five-dollar credit for a properly issued permit.

(c) Advise customer to:

(i) Display the cardboard copy of the permit on the vessel;

(ii) Carry the purchase order identifying the sale on the vessel; and

(iii) Make the permit and purchase order readily available upon request by law enforcement.

(d) Collect fees for certificate of ownership and registration for a June expiration.

(4) **Can a Washington licensed vessel dealer use a dealer temporary permit to operate a vessel?** No. The permit may only be used by the purchaser of the vessel. A dealer may not use the permit to operate or demonstrate a vessel.

(5) **Under what conditions may a dealer turn in the permits and be eligible for a refund?** Refunds are only allowed when the dealer ceases doing business as a vessel dealer.

(6) **May a Washington licensed vessel dealer transfer unused temporary vessel permits to another vessel dealer?** No, temporary permits are not transferable from one vessel dealer to another.

[Statutory Authority: RCW 88.02.070 and 88.02.100. 00-23-029, § 308-93-295, filed 11/7/00, effective 12/8/00; 98-21-001, § 308-93-295, filed 10/8/98, effective 11/8/98. Statutory Authority: RCW 88.02.100. 92-06-009, § 308-93-295, filed 2/24/92, effective 3/26/92. Statutory Authority: 1987 c 149 § 9. 88-01-011 (Order TL/RG 40), § 308-93-295, filed 12/7/87.]

WAC 308-93-350 Erasures and alterations and incorrect information. (1) Will the department accept an application for certificate of ownership if the certificate of ownership or supporting documents have been altered? The department may refuse to accept any certificate of own-

ership when ownership or vessel information has been altered. A replacement ownership document may be required.

(2) **What does the department require when a certificate of ownership, an application for certificate of ownership or a supporting document has been altered?**

(a) The department may require an affidavit explaining any erasure or alteration on the application, certificate of ownership, or any supporting documentation.

(b) The department may require a notarized/certified release of interest when:

(i) A signature or name that has been altered or erased appears on an application; or

(ii) A security interest is named to be shown on the new certificate of ownership and the applicant claims there is no lien; or

(iii) A security interest is shown incorrectly or is altered on the application for certificate of ownership. In lieu of a release of interest, Washington licensed vessel dealers may attach an affidavit explaining the error in the security interest.

(c) If an erasure has been made on a title, a notarized/certified affidavit must be attached. The affidavit must state why and by whom the erasure was made. The one whose name was erased must sign a notarized/certified release of interest.

(d) If a name is erroneously shown on the title as the purchaser, the department may require a statement from the seller or owner (of record) that the sale was not completed.

[Statutory Authority: RCW 88.02.070 and 88.02.100. 01-08-021, § 308-93-350, filed 3/27/01, effective 4/27/01; 98-16-030, § 308-93-350, filed 7/29/98, effective 8/29/98; 84-13-086 (Order TL-RG-2), § 308-93-350, filed 6/21/84. Statutory Authority: 1983 c 7 § 20 and 1983 2nd ex.s. c 3 § 46. 83-23-076 (Order 736-DOL), § 308-93-350, filed 11/18/83.]

WAC 308-93-360 Application for certificate of ownership required. When is a certificate of ownership required? An application for certificate of ownership is required when:

(1) A person purchases a new vessel unless otherwise exempt from chapter 88.02 RCW.

(2) There is a change of ownership due to:

(a) Sale;

(b) Gift;

(c) Inheritance;

(d) Trade;

(e) Addition or deletion of an owner;

(f) Proprietorship or partnership forming a corporation, whether or not the business name is changing; or

(g) Proprietorship or partnership purchasing a corporation which will no longer be operated as a corporation, whether or not the business name is changed.

(3) There is a name change of:

(a) The owner;

(b) The secured party; or

(c) A business entity as shown on the current certificate of ownership.

(4) There is no change in the owner of the vessel but the certificate of ownership needs to be reissued because:

(a) A lien has been satisfied and the lien holder's name needs to be removed;

(b) A lien holder's name needs to be added. If a secondary lien holder is being added, the address of only the primary lien holder will be recorded;

(c) There is a change of lien holders;

(d) There has been a structural change in the vessel that changes the physical description of the vessel on the current certificate of ownership; or

(e) The vessel hull identification number has been altered, or removed, or needs to be corrected on the vessel or on the certificate of ownership.

[Statutory Authority: RCW 88.02.070 and 88.02.100. 01-08-021, § 308-93-360, filed 3/27/01, effective 4/27/01; 98-16-030, § 308-93-360, filed 7/29/98, effective 8/29/98. Statutory Authority: 1985 c 258. 85-23-066 (Order TL-RG-19), § 308-93-360, filed 11/19/85. Statutory Authority: RCW 88.02.070 and 88.02.100. 84-13-086 (Order TL-RG-2), § 308-93-360, filed 6/21/84. Statutory Authority: 1983 c 7 § 20 and 1983 2nd ex.s. c 3 § 46. 83-23-076 (Order 736-DOL), § 308-93-360, filed 11/18/83.]

WAC 308-93-370 Format required for name and address—Names separated by the words "and," "or," or the slash symbol (/). (1) **Does the department use the words "and," "or," or the slash symbol (/) when recording multiple interests on a certificate of ownership?** No, the department no longer uses these designations when recording ownership interest. For those certificates of ownership that have been issued using one of these designations:

(a) Any registered owners shown are considered to have equal registered owner interest in the vessel; and

(b) Any secured parties shown are considered to have equal secured party interest in the vessel.

(2) **Will the department use the words "and," "or," or the slash symbol (/) if another jurisdiction has recorded multiple interests on the foreign certificate of ownership using one of these designations?** No. The department does not allow the use of these designations when recording ownership interest.

[Statutory Authority: RCW 88.02.070, 88.02.100. 03-07-076, § 308-93-370, filed 3/18/03, effective 4/18/03; 01-21-071, § 308-93-370, filed 10/18/01, effective 11/18/01; 99-22-059, § 308-93-370, filed 11/1/99, effective 12/2/99. Statutory Authority: 1983 c 7 § 20 and 1983 2nd ex.s. c 3 § 46. 83-23-076 (Order 736-DOL), § 308-93-370, filed 11/18/83.]

WAC 308-93-380 Format required for name and address—Ownership in joint tenancy. (1) **What does joint tenancy with rights of survivorship (JTWROS) mean when noted on a certificate of ownership?** If a vessel certificate of ownership shows the owners are in joint tenancy with rights of survivorship and one of the named parties dies, ownership vests in the surviving joint owner(s). The department will issue a certificate of ownership in the name of the surviving joint owner(s) upon application supported by a copy of the death certificate issued by a government entity and an application for certificate of ownership signed by the surviving owner(s).

(2) **How is joint tenancy with rights of survivorship shown on the application for certificate of ownership?** The application for certificate of ownership must show the name of every owner with the phrase "Joint tenants with rights of survivorship" spelled out.

(3) **How is joint tenancy with rights of survivorship shown on the certificate of ownership?** The certificate of

ownership will be printed showing the abbreviation "JTWROS" in the brands/comments section.

[Statutory Authority: RCW 88.02.070, 88.02.100. 03-07-076, § 308-93-380, filed 3/18/03, effective 4/18/03; 01-21-071, § 308-93-380, filed 10/18/01, effective 11/18/01; 99-22-059, § 308-93-380, filed 11/1/99, effective 12/2/99. Statutory Authority: 1983 c 7 § 20 and 1983 2nd ex.s. c 3 § 46. 83-23-076 (Order 736-DOL), § 308-93-380, filed 11/18/83.]

WAC 308-93-390 Vessels held in trust. (1) **How is a trust shown on a certificate of ownership?** A certificate of ownership may show the name of the trustee(s) or trust in one of the following manners:

(a) The trustee(s) name(s) only followed by the designation trustee, i.e., John Doe, trustee; or

(b) The trustee(s) name(s) followed by the designation trustee and the name of the trust, i.e., John Doe, trustee John Doe Family Trust; or

(c) The name of the trust only, i.e., John Doe Family Trust.

Note: If necessary, the name of the trust will be abbreviated to meet the department's system limitations.

(2) **What trust documents do I need to present to apply for a certificate of ownership in the name of the trust?** You will need to provide a copy of the signed trust documents, showing the name of the trust, trustee(s) and successor trustees.

Note: Massachusetts Trusts described in chapter 23.90 RCW must provide verification that the trust was filed with the Washington secretary of state.

(3) **What is required when the trustee no longer acts on behalf of a trust?** If a trustee no longer acts on behalf of a trust, and the vessel ownership currently shows:

(a) The trustee(s) name(s) only followed by the designation trustee, i.e., John Doe, trustee, application must be made for a new certificate of ownership; or

(b) The trustee(s) name(s) followed by the designation trustee and the name of the trust, i.e., John Doe, trustee John Doe Family Trust, application must be made for a new certificate of ownership; or

(c) The name of the trust only, i.e., John Doe Family Trust application for new certificate of ownership is not required.

Note: New, or successor, trustees must provide documentation showing they are named as such in the trust.

(4) **What is required when a trust is terminated?** If the termination of the trust results in a change of ownership for the vessel, the new owner must apply for a new certificate of ownership under chapter 88.02 RCW.

[Statutory Authority: RCW 88.02.070, 88.02.100. 03-07-076, § 308-93-390, filed 3/18/03, effective 4/18/03. Statutory Authority: RCW 46.01.110, 88.02.070 and 88.02.100 [88.02.100]. 01-08-022, § 308-93-390, filed 3/27/01, effective 4/27/01. Statutory Authority: RCW 88.02.070 and 88.02.100. 99-22-059, § 308-93-390, filed 11/1/99, effective 12/2/99. Statutory Authority: 1983 c 7 § 20 and 1983 2nd ex.s. c 3 § 46. 83-23-076 (Order 736-DOL), § 308-93-390, filed 11/18/83.]

WAC 308-93-400 Multiple security interests. (1) **Will the department issue a certificate of ownership indicating more than one security interest?** Yes, more than one security interest may be shown on the certificate of ownership.

(2) **How are additional security interests shown on the certificate of ownership?** Additional security interests are shown on the next name line, directly after the first security interest. Only the address of the first security interest is shown on the certificate of ownership.

(3) **If the lien has been satisfied with one of the secured parties shown on a certificate of ownership, how is their interest released?** When the lien has been satisfied with one of the secured parties shown on a certificate of ownership, that secured party's interest will be released on the certificate of ownership or a department approved release of interest form. The remaining secured party(s) shall, within ten days of receiving the properly released certificate of ownership, apply for reissue of the certificate of ownership showing the remaining secured parties' name and address.

[Statutory Authority: RCW 88.02.070 and 88.02.100. 01-21-071, § 308-93-400, filed 10/18/01, effective 11/18/01; 99-22-059, § 308-93-400, filed 11/1/99, effective 12/2/99. Statutory Authority: 1983 c 7 § 20 and 1983 2nd ex.s. c 3 § 46. 83-23-076 (Order 736-DOL), § 308-93-400, filed 11/18/83.]

WAC 308-93-440 Ownership in doubt. (1) What does an applicant do if an acceptable release of interest as defined in WAC 308-93-460 is not available? When an applicant is unable to provide an acceptable release of interest for a vessel, the applicant may:

(a) Petition any district or superior court of any county of this state to receive a judgment awarding ownership of the vessel; such judgment is required if ownership of the vessel is contested after the applicant makes application for ownership in doubt and before the three-year ownership in doubt period has lapsed; or

(b) Apply for "registration only" or bonded certificate of ownership as described in this rule if a judgment is unavailable as described in (a) of this subsection. The applicant must:

(i) Provide evidence of ownership of the vessel including, but not limited to, a bill of sale;

(ii) Make a reasonable effort to determine ownership of the vessel by writing to the agency that issued the last known certificate of ownership or registration. For purposes of this section, an individual purchaser or transferee of a vessel may request the name and address of the owner(s) of record for that vessel from the department by satisfying (b)(i) of this subsection and completing a form approved by the department. When the department is satisfied the request is for obtaining proper release of interest, the department may disclose the name(s) and address of the last owner(s) of record for that vessel.

(A) If a record is found, the applicant must send a certified or registered letter, return receipt requested, to each owner and secured party of record at the address shown on the last record. The letter must contain information regarding the sender's claim to ownership and a request for the released certificate of ownership or a notarized or certified release of interest.

(B) If the previous owner does not respond within fifteen days after acknowledged receipt or the letter was returned unclaimed, the applicant must provide a completed affidavit of request for bonded title or registration, explaining how the vessel was acquired;

If no record is found, the applicant must provide the completed form titled, Affidavit of Request for Bonded Title or Registration Without Title.

(iii) Determine whether to bond the vessel and apply for a certificate of ownership or apply for registration only. A bond is required if the seller of the vessel is a Washington state vessel dealer or in lieu of the judgment described in (a) of this subsection if there is evidence of a security agreement on the last record found. A bond will be for a period of three years from the date of application and be in the amount of one and one-half times the value of the vessel as determined by one of the following:

(A) Information provided by a value guide book or other publication of recognized standing in the vessel industry; or

(B) A value that is agreeable to the applicant and verifiable by the authorized department agent or employee.

(2) **If I have a bonded certificate of ownership for my vessel, how can I get a certificate of ownership without the bonded notation?** In order to get a certificate of ownership without the bonded notation, you may:

(a) Submit a properly endorsed certificate of ownership or a satisfactory release of interest and make application to the department anytime during the three-year period; or

(b) After the three-year period, make application to the department.

(3) **If I have a three-year vessel registration only, how can I obtain a certificate of ownership?** In order to receive a certificate of ownership, you may:

(a) Submit the properly endorsed certificate of ownership or a satisfactory release of interest and make application to the department anytime during the three-year period; or

(b) After the three-year period, make application to the department.

(4) **May I sell or release my interest in the vessel during the three-year ownership in doubt period?** Yes. A bonded certificate of ownership may be released and provided to the buyer in the same way as any other certificate of ownership. The Washington bonded certificate of ownership may not be accepted by another state. If the other state has a similar program, they may issue their own type of bonded certificate of ownership. For registration only, provide the buyer with a notarized or certified release of interest. The new owner may either provide a judgment as described in subsection (1)(a) of this section or wait until the expiration of the time remaining on the previous ownership in doubt period and then make application for the certificate of ownership. If a notarized/certified release of interest cannot be obtained from the current registered owner, the new owner must start over with a new three-year bonded or registration only process.

[Statutory Authority: RCW 88.02.070, 88.02.100. 03-07-076, § 308-93-440, filed 3/18/03, effective 4/18/03; 00-23-028, § 308-93-440, filed 11/7/00, effective 12/8/00. Statutory Authority: RCW 88.02.070. 98-09-023, § 308-93-440, filed 4/8/98, effective 5/9/98. Statutory Authority: RCW 88.02.070, 88.02.100 and 46.12.380. 96-03-046, § 308-93-440, filed 1/11/96, effective 2/11/96. Statutory Authority: 1983 c 7 § 20 and 1983 2nd ex.s. c 3 § 46. 83-23-076 (Order 736-DOL), § 308-93-440, filed 11/18/83.]

WAC 308-93-445 Personal property lien—Chattel.

(1) **What is a chattel lien?** For the purposes of this chapter, a chattel lien is a process by which a person may sell or take ownership of a vessel when:

(a) They provide services or materials for the vessel at the request of the registered owner; and

(b) The person who provided the services and/or materials has not been compensated.

(2) **What documents are required to issue a certificate of ownership for a vessel?** The required documents include:

(a) A completed affidavit of sale chattel lien form provided or approved by the department; and

(b) A certified copy of the lien filing that is filed with the county auditor; and

(c) A copy of the letter sent by the lien applicant via first class mail to the registered and legal owner; and

(d) A copy of the certified or registered mail, including the return receipt, to the address of the current registered and legal owner notifying the current registered and legal owner of the lien filing, and an affidavit of service by mail; and

(e) Application for certificate of ownership; and

(f) Other documents that may be required by law or rule.

(3) **When is a Washington court order required to issue a certificate of ownership as a result of a chattel lien?** A court order is required when:

(a) The vessel is no longer in the possession of the person claiming the chattel lien; or

(b) Someone other than the owner of record requested the services; or

(c) There is no record of the vessel on file with the department.

(4) **What laws regulate chattel liens?** Chapters 60.08 and 60.10 RCW regulate chattel liens.

[Statutory Authority: RCW 46.01.110. 06-17-145, § 308-93-445, filed 8/22/06, effective 9/22/06. Statutory Authority: RCW 88.02.070 and 88.02.-100. 01-21-071, § 308-93-445, filed 10/18/01, effective 11/18/01.]

WAC 308-93-446 Personal property lien—Landlord's lien for rent. (1) **What is a landlord's lien for rent?** For the purposes of this chapter, a landlord's lien for rent is a process by which a landlord may sell or take ownership of a tenant's vessel as security for rent due.

This chapter does not apply to vessels (including transient vessels) moored or stored at a private moorage facility (see chapter 88.26 RCW).

(2) **What documents are required to issue a certificate of ownership for a vessel obtained through the landlord's lien for rent process?** The required documents include:

(a) A completed affidavit of landlord lien form provided or approved by the department;

(b) Application for certificate of ownership; and

(c) Other documents that may be required by law or rule.

(3) **When is a Washington court order required to issue a certificate of ownership as a result of a landlord's lien for rent?** A Washington court order is required when there is no record of the vessel on file with the department.

(4) **What laws regulate landlord's liens for rent?** Chapters 58.18, 60.10, and 60.72 RCW regulate landlord's liens for rent.

[Statutory Authority: RCW 46.01.110. 06-17-145, § 308-93-446, filed 8/22/06, effective 9/22/06.]

WAC 308-93-447 Personal property lien—Self-service storage facilities. (1) **What is a self-service storage facilities lien?** A self-service storage facilities lien is a pro-

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cess by which the owner of a self-service storage facility may sell a vessel stored at the facility as security for rent or other charges due.

(2) **What documentation is required to obtain a certificate of ownership for a vessel obtained through the self-service storage facilities lien process?** The required documents include:

(a) A completed affidavit of self-service storage facilities lien form provided or approved by the department;

(b) Application for certificate of ownership; and

(c) Other documents that may be required by law or rule.

(3) **When is a Washington court order required to issue a certificate of ownership as a result of a self-service storage facilities lien?**

(a) The vessel is no longer in the possession of the person who is claiming the self-service storage facilities lien; or

(b) There is an existing lien holder on the vessel record; or

(c) There is no record of the vessel on file with the department.

(4) **What law regulates self-service storage facilities liens?** Chapter 19.150 RCW regulates self-service storage facilities liens.

[Statutory Authority: RCW 46.01.110. 06-17-145, § 308-93-447, filed 8/22/06, effective 9/22/06.]

WAC 308-93-450 Signature of owner on application—Exceptions. (1) **When is the signature of a registered owner(s) required?** Each registered owner is required to sign the application for certificate of ownership except when:

(a) The application is for the sole purpose of removing a secured party of record from the certificate of ownership;

(b) Authorized supportive documentation, such as a power of attorney, is used in lieu of the signature(s);

(c) The legal owner applies for a duplicate certificate of ownership;

(d) There is a statutorily authorized lien filed by a government agency against the vessel;

(e) An existing legal owner's perfected security interest is transferred to another party and the new secured party is perfecting its security interest.

(2) **If there are multiple registered owners on an application for certificate of ownership, when is only one registered owner's signature required?** Only one registered owner's signature is required when:

(a) The last certificate of ownership was issued in another jurisdiction; and

(b) The last certificate of ownership shows multiple registered owners; and

(c) Ownership is not changing.

[Statutory Authority: RCW 88.02.070 and 88.02.100. 00-23-028, § 308-93-450, filed 11/7/00, effective 12/8/00. Statutory Authority: RCW 88.02.070. 98-09-023, § 308-93-450, filed 4/8/98, effective 5/9/98. Statutory Authority: RCW 88.02.070 and 88.02.100. 92-24-035, § 308-93-450, filed 11/25/92, effective 12/26/92. Statutory Authority: 1985 c 258. 85-23-066 (Order TL-RG-19), § 308-93-450, filed 11/19/85. Statutory Authority: 1983 c 7 § 20 and 1983 2nd ex.s. c 3 § 46. 83-23-076 (Order 736-DOL), § 308-93-450, filed 11/18/83.]

WAC 308-93-460 Release of interest. (1) **How does an owner release their interest in a vessel?** A vessel owner(s)

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or secured party who intends to release interest in a vessel must:

- (a) Sign the release of interest provided on the certificate of ownership; or
- (b) Sign a release of interest document or form approved by the department.

(2) What documentation may be used in lieu of a release of interest? Documents that may be used in lieu of a release of interest include, but are not limited to, a certified or notarized:

- (a) Bill of sale;
- (b) Affidavit in lieu of title with the release of interest portion properly completed;
- (c) Release of interest form;
- (d) Letter of release;
- (e) Affidavit of repossession;
- (f) Abandoned vessel reported on an abandoned vehicle report and the affidavit of sale on the report has been completed by the issuing tow company;
- (g) Other documentation approved by the department.

(3) What forms may secured parties use in lieu of subsection (1)(a) and (b) of this section when their intent is to release interest? Secured parties who intend to release their interest in a vessel may provide one of the following if accompanied by the most recently issued certificate of ownership:

- (a) Their properly completed official lien release form; or

(b) The secured party is a business entity, a release of interest on its official letterhead.

(4) How is the release of interest submitted on an electronically stored Washington certificate of ownership? If the Washington certificate of ownership is a paperless certificate of ownership (title), the secured party may release its interest electronically or by signing an affidavit in lieu of title.

(5) When do signatures releasing interest need to be notarized or certified? An owner's release of interest on department approved documents other than the certificate of ownership must be notarized or certified in accordance with WAC 308-93-470.

(6) Are there situations when signatures would not need to be notarized or certified in order to release interest? Yes, the following are situations where notarization or certification is not required:

- (a) When a signature releasing interest is provided on the certificate of ownership issued by the department or another jurisdiction;
- (b) When a signature releasing interest is provided on an affidavit in lieu of title printed at a Washington paperless title institution's location;
- (c) If the Washington certificate of ownership is a paperless certificate of ownership (title), the secured party may release its interest electronically;
- (d) When there is a secured party and:
 - (i) The secured party is a business; and
 - (ii) Release of interest in a vessel is in accordance with subsection (2)(a) or (b) of this section; and
 - (iii) The current certificate of ownership is submitted with the separate release of interest and an application for a new certificate of ownership;

(e) A release of interest or bill of sale is obtained from the registered owner when the vessel is from a jurisdiction which does not issue certificate of ownership or titles for this type of vessel;

(f) Documentation for a dissolution of marriage indicates the vessel had been awarded through the court;

(g) The registered owner is deceased (refer to WAC 308-93-520);

(h) Signature notarized on repossession if the vessel has been repossessed by the legal owner of record;

(i) A release of interest or a bill of sale from a wrecker or insurance company;

(j) If a valid marine document has been issued by or applied for from the United States Coast Guard documentation office;

(k) A court order awarding the vessel is provided;

(l) The director determines a notarized signature is not needed.

(7) When is a registered owner's release of interest not required? A release of interest is not required when:

(a) A registered owner is identified as a lessee or sublessee on an ownership document or a lienholder sells a contract to another lienholder;

(b) Documentation is required by the department in the event of death;

(c) A dissolution of a marriage has occurred; or

(d) Repossession.

(8) What is required to release the interest of a secured party in a documented vessel registered in Washington? A United States Coast Guard abstract may be used to release the interest of the secured party for a vessel registered in Washington.

(9) What documentation will be provided by the United States Coast Guard documentation office? The United States Coast Guard documentation office must provide the following documentation for secured parties who intend to release interest on a marine documented vessel:

(a) Their properly completed official lien release form; or a release of interest on their official letterhead, if the secured party is a business entity;

(b) Provide a certified copy of the satisfaction of preferred marine mortgage;

(c) Provide a certified copy of the document abstract from the United States Coast Guard, documentation office showing the lien has been satisfied.

These documents are provided to the United States Coast Guard by the lienholder/secured party, seller, new owner etc. Copies of these items may be requested from the United States Coast Guard for submission to the department when applying for certificate of ownership.

(10) What must the owner provide to the department when a vessel will no longer be documented with the United States Coast Guard? The owner must provide:

(a) A copy of the removal letter from the United States Coast Guard documentation office; and

(b) Documentation described in subsection (9) of this section for removing lienholder/secured party; and

(c) If ownership is changing, approved releases of interest as described in this rule.

[Statutory Authority: RCW 88.02.070 and 88.02.100. 00-23-028, § 308-93-460, filed 11/7/00, effective 12/8/00. Statutory Authority: RCW 88.02.070.

98-09-023, § 308-93-460, filed 4/8/98, effective 5/9/98. Statutory Authority: RCW 88.02.070 and [88.02].100. 93-14-082, § 308-93-460, filed 6/30/93, effective 7/31/93. Statutory Authority: 1983 c 7 § 20 and 1983 2nd ex.s. c 3 § 46. 83-23-076 (Order 736-DOL), § 308-93-460, filed 11/18/83.]

WAC 308-93-470 Certification of signatures. (1) Who may certify or notarize vessel certificate of ownership and registration activities on behalf of the department? Signatures must be notarized by a notary public or certified by agents and subagents appointed by the director. The certification must include the signature and the county, office, and operator number of the person certifying the signature. Signatures may also be certified by one of the following:

- (a) Employees authorized by the director to certify signatures. The employees are:
 - (i) Deputy director; and
 - (ii) Assistant director for vehicle services; and
 - (iii) Administrator and managers of the division primarily responsible for vessel title and registration; and
 - (iv) Persons assigned to liaison duties between the department and its agents and subagents; and
 - (v) Persons assigned the responsibility of accepting title and registration applications at the department's offices; and
 - (vi) Persons assigned the responsibility for investigating vessel dealer activities.

(b) Persons named on a Washington vessel dealers bond, filed with the department, if the vessel is sold by that licensed vessel dealer. The certification must include the dealer number, signature, and title, of the person certifying the signature.

(2) What proof of identification must be presented to the person certifying the signature(s)? The person certifying the signatures shall require proof of identification. Approved identification includes:

- (a) Drivers license; or
- (b) Any signed photo identification card; or
- (c) Any two of the following:
 - (i) A nationally or regionally recognized credit card (signed);
 - (ii) A signed ID card issued by a city, county, state or federal government agency;
 - (iii) Any certificate or other document issued by a government agency for the purpose of establishing identity; or
- (d) Other documentation satisfactory to the person certifying the signature.

[Statutory Authority: RCW 88.02.070 and 88.02.100. 00-23-028, § 308-93-470, filed 11/7/00, effective 12/8/00. Statutory Authority: RCW 88.02.070. 98-09-023, § 308-93-470, filed 4/8/98, effective 5/9/98. Statutory Authority: 1983 c 7 § 20 and 1983 2nd ex.s. c 3 § 46. 83-23-076 (Order 736-DOL), § 308-93-470, filed 11/18/83.]

WAC 308-93-490 Law enforcement sale. (1) What ownership documents does the department require to issue a certificate of ownership for a vessel, which has been purchased at a law enforcement sale? In addition to other documents and fees required by chapters 46.01 and 88.02 RCW the department requires:

- (a) The current certificate of ownership, if it is available; and
- (b) A bill of sale from law enforcement to the purchaser stating that the vessel was sold in accordance with chapter 63.32, 63.35 or 63.40 RCW; or

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(c) A copy of an order, describing the vessel, from any district or superior court of any county of this state authorizing law enforcement to sell the vessel.

(2) Does the sale of a vessel at a law enforcement sale remove any previous security interest? Yes, security interests are released upon the sale of a vessel at a law enforcement sale. No additional releases of interest are required from the secured party.

[Statutory Authority: RCW 88.02.070 and 88.02.100. 01-21-071, § 308-93-490, filed 10/18/01, effective 11/18/01; 99-22-059, § 308-93-490, filed 11/1/99, effective 12/2/99. Statutory Authority: 1983 c 7 § 20 and 1983 2nd ex.s. c 3 § 46. 83-23-076 (Order 736-DOL), § 308-93-490, filed 11/18/83.]

WAC 308-93-500 Name change. What documentation does the department require to change my name as shown on the certificate of ownership? In addition to other documents required by chapters 88.02 RCW and 308-93 WAC, the department requires:

- (1) A copy of a court order from any district or superior court of this state authorizing the change of name if the name was changed by a court action; or
- (2) An affidavit signed by you stating:
 - (a) Your previous and current names; and
 - (b) The reason for the name change; and
 - (c) That the purpose of the name change is not to defraud creditors.

(3) What documentation does the department require to change the name of a business or corporation as shown on the certificate of ownership?

(a) If two or more businesses merge and a new UBI number is created, applications for each vessel in the new company name and documentation substantiating the name change and/or merger. All certificates of ownership changing from the previous business name(s) to the new business are processed as transfers.

(b) If two or more businesses merge and one of the UBI numbers is retained for the new business, notarized signatures are required on the new application. The certificate of ownership transactions for the business whose UBI number is retained will be processed as name change transactions; certificate of ownership transactions from the other business will be processed as transfers.

(c) If a business has changed names without a change in ownership, documentation such as a copy of the new business or corporate license must be submitted with the application for certificate of ownership and the existing ownership document or an affidavit in lieu. The certificate of ownership will be reissued in the new business name.

[Statutory Authority: RCW 88.02.070 and 88.02.100. 01-21-071, § 308-93-500, filed 10/18/01, effective 11/18/01; 99-22-059, § 308-93-500, filed 11/1/99, effective 12/2/99; 84-13-086 (Order TL-RG-2), § 308-93-500, filed 6/21/84. Statutory Authority: 1983 c 7 § 20 and 1983 2nd ex.s. c 3 § 46. 83-23-076 (Order 736-DOL), § 308-93-500, filed 11/18/83.]

WAC 308-93-510 Transfer by court order. (1) What does the department require if ownership of a vessel is awarded by court order? In addition to other documents required by chapters 88.02 RCW and 308-93 WAC, for each of the specific situations the department requires the following:

- (a) If the vessel is most recently titled in Washington, a copy of the court order from any district or superior court of

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any county of this state, or certification from the clerk of the court confirming the courts' action. The court order or certification from the clerk must describe the vessel and to whom the vessel is awarded; or

(b) If the vessel for which ownership was most recently established, is in the same jurisdiction as the court action, a copy of the foreign court order is required. For example: A California court order and California vessel ownership documents; or

(c) If the court order and vessel for which ownership was most recently established are not from the same jurisdiction, the court order is required to be filed in accordance with RCW 6.36.025 prior to being submitted with the application for certificate of ownership.

(2) What information needs to be on the court order for the department to accept it? The department requires the court order to contain, at a minimum:

(a) The name of the person to whom the property is awarded;

(b) A description of the vessel(s) awarded, including the hull identification number and/or Washington registration number, if available;

(c) Validation that the court order has been filed;

(d) An indication that the court order is the final judgment of the court in this matter; and

(e) A signature of an authorized representative of the court.

(3) What does the department require if the court order does not describe the vessel by vessel identification number or Washington registration number? The department requires a certified or notarized statement from the person awarded the vessel. The statement must describe the vessel in the court order by year, make, and hull identification number as a minimum.

(4) Does the department require all pages of the final court order? No, the department requires only copies of pages of the final court order containing:

(a) The information listed in subsection (2) of this section; and

(b) If the court order identifies any collateral agreements, those portions of the collateral agreement identifying the vessel and its disposition, the first page and the signature page of that collateral agreement; and

(c) The page of the order signed by the judge/commissioner.

(5) Does the copy of the court order need to be certified? The copy of the court order does not need to be certified.

(6) Will the department remove the security interest recorded on the current certificate of ownership with a court order? The department will:

(a) Remove the security interest if the court order specifically directs the department to do so.

(b) Not remove the security interest if not specified to do so in the court order unless the new owner has obtained either a release of interest or a new security agreement or petition the original court that issued the order, or higher court, to have the matter of the secured interest resolved.

[Statutory Authority: RCW 88.02.070 and 88.02.100. 01-21-071, § 308-93-510, filed 10/18/01, effective 11/18/01; 99-22-059, § 308-93-510, filed

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11/1/99, effective 12/2/99. Statutory Authority: 1983 c 7 § 20 and 1983 2nd ex.s. c 3 § 46. 83-23-076 (Order 736-DOL), § 308-93-510, filed 11/18/83.]

WAC 308-93-520 Owner deceased. (1) What titling options are available when a vessel owner is deceased?

(a) The vessel ownership may be released by a personal representative or beneficiary and transferred into the name of a new owner; or

(b) The surviving owner may transfer into their name if joint tenancy was indicated on the certificate of ownership; or

(c) The surviving owner, heir, or personal representative may transfer ownership into their name if proper documentation is provided as in subsection (4) of this section; or

(d) The vessel can be titled into the name of the estate of the deceased.

(2) How can a vessel be titled in the name of the estate of the deceased? The signature of a personal representative as described in RCW 11.02.005(1) is required to release interest for the deceased owner. The vessel may then be titled and registered in the name of the estate of the deceased pending final settlement of the estate. A certificate of county clerk or a copy of the court order appointing or confirming the personal representative must be attached to the application for certificate of ownership.

(3) How will the name of the estate be shown on the certificate of ownership? The name will be shown as "estate of (deceased name)."

(4) What documentation is required to remove the name of the deceased from the certificate of ownership or registration? In addition to any other documents or releases required by law or rule you will need:

(a) If the estate is administered:

(i) Letters of testamentary; or

(ii) Letter of administration; or

(iii) Certificate of county clerk.

(b) If there are joint tenants with rights of survivorship: Copy of death certificate.

(c) If there is a community property agreement:

(i) Copy of the death certificate; and

(ii) A copy of the community property agreement.

(d) If the estate was not administered:

(i) Copy of the death certificate; and

(ii) Affidavit of inheritance; or

(iii) Affidavit of succession.

(5) If the vessel was last registered in another jurisdiction and the owner is deceased, what documents do I need when applying for a Washington certificate of ownership in my name? The requirements are the same as those provided in subsections (1) through (4) of this section. Equivalent documentation issued by the foreign jurisdiction may be acceptable.

[Statutory Authority: RCW 88.02.070 and 88.02.100. 02-05-059, § 308-93-520, filed 2/15/02, effective 3/18/02; 99-07-041, § 308-93-520, filed 3/15/99, effective 4/15/99. Statutory Authority: 1983 c 7 § 20 and 1983 2nd ex.s. c 3 § 46. 83-23-076 (Order 736-DOL), § 308-93-520, filed 11/18/83.]

WAC 308-93-530 Owner incompetent—Release of interest. Who is eligible to release interest on a vessel ownership document if the owner is declared incompetent?

The release of interest may be signed by either:

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(1) The court appointed guardian, if one has been appointed by the court, may release interest in a vessel owned by an individual who has been declared incompetent.

(2) Durable power of attorney as provided in Title 11 RCW. A copy of the court order or the durable power of attorney appointing the guardian must accompany the release of interest.

[Statutory Authority: RCW 88.02.070 and 88.02.100. 02-05-059, § 308-93-530, filed 2/15/02, effective 3/18/02; 99-07-041, § 308-93-530, filed 3/15/99, effective 4/15/99. Statutory Authority: 1983 c 7 § 20 and 1983 2nd ex.s. c 3 § 46. 83-23-076 (Order 736-DOL), § 308-93-530, filed 11/18/83.]

WAC 308-93-540 Owner bankrupt—Release of interest. Who has the authority to release interest in a vessel when an owner has been declared bankrupt?

A trustee appointed by the court has the authority to release interest on a vessel for the owner who has been declared bankrupt. The release of interest must be accompanied by a copy of the court order appointing the trustee.

[Statutory Authority: RCW 88.02.070 and 88.02.100. 02-05-059, § 308-93-540, filed 2/15/02, effective 3/18/02; 99-07-041, § 308-93-540, filed 3/15/99, effective 4/15/99. Statutory Authority: 1983 c 7 § 20 and 1983 2nd ex.s. c 3 § 46. 83-23-076 (Order 736-DOL), § 308-93-540, filed 11/18/83.]

WAC 308-93-640 Reciprocity. Is my foreign registration valid in Washington? Current foreign registration will be recognized for a period of sixty days to the extent a similar reciprocity is granted for vessels registered in the state of Washington. However, on or before the sixty-first day of use in this state, the owner of a foreign vessel must obtain a two-month vessel identification document issued by the department, its agents or subagents in accordance with WAC 308-93-055 if the state of principal use is not changing to Washington and the vessel owner wishes to keep the vessel located on Washington waters.

[Statutory Authority: RCW 88.02.070 and 88.02.100. 01-08-021, § 308-93-640, filed 3/27/01, effective 4/27/01; 98-16-029, § 308-93-640, filed 7/29/98, effective 7/30/98; 84-19-026 (Order TL-RG 8), § 308-93-640, filed 9/13/84. Statutory Authority: 1983 c 7 § 20 and 1983 2nd ex.s. c 3 § 46. 83-23-076 (Order 736-DOL), § 308-93-640, filed 11/18/83.]

WAC 308-93-650 Title purpose only. Can I obtain a certificate of ownership for my vessel without securing a vessel registration number and decal? Yes, you may obtain a certificate of ownership for a vessel without securing a registration number and vessel decal.

[Statutory Authority: RCW 88.02.100. 00-09-065, § 308-93-650, filed 4/18/00, effective 5/19/00. Statutory Authority: 1985 c 258. 85-23-066 (Order TL-RG-19), § 308-93-650, filed 11/19/85. Statutory Authority: RCW 88.02.100 and 88.02.070. 84-11-060 (Order TL/RG-1), § 308-93-650, filed 5/18/84.]

WAC 308-93-700 Indian tribe vessels. What is the purpose of WAC 308-93-700 through 308-93-770? WAC 308-93-700 through 308-93-770 are adopted to implement the Consent Decree entered in *United States v. Washington*, Civ. No. 9213 - Phase I - Sub. 88-1 entered on November 28, 1994, and signed by the United States, the signatory tribes, and the state of Washington. These rules do not repeat all of the sections of the Consent Decree and are not intended to include all of the requirements and provisions of the Consent Decree. However, the tribes and the state have agreed to an

intergovernmental cooperative registration procedure. In the event of conflicting provisions, interpretations, or applications between these rules and the Consent Decree, resolution shall give precedence to the Consent Decree.

[Statutory Authority: RCW 88.02.100. 02-05-058, § 308-93-700, filed 2/15/02, effective 3/18/02. Statutory Authority: RCW 88.02.100 and *United States v. Washington*, Subproceeding No. 88-1. 96-16-038, § 308-93-700, filed 8/1/96, effective 9/1/96.]

WAC 308-93-710 Definitions. The following terms used in WAC 308-93-700 through 308-93-770 have the meaning given to them in this section unless the context clearly indicates otherwise:

(1) "Indian tribe" and "tribal" means the Indian tribes which are signatory to the Consent Decree entered in *United State v. Washington*, Civ. No. 9213 - Phase I - Sub. 88-1 entered on November 28, 1994, including: Lower Elwha S'Klallam Tribe, Hoh Tribe, Jamestown S'Klallam Tribe, Lummi Nation, Makah Tribe, Muckleshoot Tribe, Nisqually Tribe, Nooksack Tribe, Port Gamble S'Klallam Tribe, Puyallup Tribe, Quileute Tribe, Quinault Indian Nation, Sauk-Suiattle Tribe, Skokomish Tribe, Squaxin Island Tribe, Stillaquamish Tribe, Suquamish Tribe, Swinomish Indian Tribal Community, Tulalip Tribes, Upper Skagit Tribe, and Yakama Nation.

(2) "Tribal member(s)" means those persons duly enrolled in the Indian tribes identified in subsection (1) of this section.

(3) The terms "vessels" or "boats" are synonymous and mean watercraft used in connection with the exercise of federally secured fishing rights.

(4) All other terms have the same meaning as used in chapter 88.02 RCW and chapter 308-93 WAC.

[Statutory Authority: RCW 88.02.100. 02-05-058, § 308-93-710, filed 2/15/02, effective 3/18/02. Statutory Authority: RCW 88.02.100 and *United States v. Washington*, Subproceeding No. 88-1. 96-16-038, § 308-93-710, filed 8/1/96, effective 9/1/96.]

WAC 308-93-720 Indian tribe exempt vessels. (1) What is an Indian tribe exempt vessel under the Consent Decree entered in *United States v. Washington*, Civ. No. 9213 - Phase I - Sub. 88-1 entered on November 28, 1994? State ad valorem property (personal property) and watercraft excise taxes will not be imposed upon any vessel owned by a tribal member(s) and used in connection with the exercise of federally secured fishing rights, so long as the member's tribe imposes a treaty, fishing rights-related tax. The taxes also will not apply to tribally owned boats used in connection with or in activities related to the exercise of tribal fishing rights, including but not limited to, management, regulation or enforcement thereof.

(2) Are state registration numbering and fee requirements applied to vessels recognized under Consent Decree entered in *United States v. Washington*, Civ. No. 9213 - Phase I - Sub. 88-1 entered on November 28, 1994? State registration, numbering, and fee requirements otherwise applicable to a nontreaty vessel, will not be applied to any tribally owned vessel or vessel owned by a tribal member(s) which is used in the exercise of treaty fishing rights and is tribally registered.

[Statutory Authority: RCW 88.02.100. 02-05-058, § 308-93-720, filed 2/15/02, effective 3/18/02. Statutory Authority: RCW 88.02.100 and United States v Washington, Subproceeding No. 88-1. 96-16-038, § 308-93-720, filed 8/1/96, effective 9/1/96.]

WAC 308-93-730 Indian tribe vessel numbering system. (1) **What are the specifications for an Indian tribe vessel registration number?** A tribal vessel number conforming to the specifications of 33 C.F.R. sections 173.27 and 174.23 and a certificate of number conforming to 33 C.F.R. section 174.19, must be assigned, and a "decal" must be issued for each Indian tribe and tribal member vessel and displayed thereon. Upon agreement of the Coast Guard and Indian tribes, different specification may be established for treaty fishing vessels.

(2) **How are Indian tribe vessel registration numbers dispersed?** Each tribe is entitled to a block of numbers with a unique tribal suffix. Each tribe may select a unique, three-letter suffix for its state or tribally produced vessel number, unless otherwise agreed upon by the Coast Guard. The vessel numbers must be of the same size and placed in the same location as specified for those vessels registered under chapter 88.02 RCW. The department will not issue a plaque, sticker, or other form of number to affix to a numbered vessel.

(3) **Are Indian tribe vessel registration number decals unique to the tribe?** The decal may be unique to each tribe, as long as the decal conforms to the Coast Guard specifications regarding size and color. A tribe may choose to use decals provided by the department.

(4) **When will the department supply the Indian tribe with a list of vessel numbers and decals?** By June 1st of each year, the department will provide each Indian tribe a list of vessel numbers, and state decals if the Indian tribe so requests, in the quantity, and with any particular three-letter suffix specified by the Indian tribe. Such quantity must be sufficient to enable each Indian tribe to issue a vessel number to each of its tribal fishers for the vessels they use in the treaty fishery. The department has thirty days to provide an Indian tribe the list of vessel numbers and decals after the Indian tribe has advised the department of its number and decal requirement.

(5) **What happens if the department fails to provide a list of vessel numbers requested by an Indian tribe in the time frame outlined in subsection (4) of this section?** Failure by the department to provide a list of vessel numbers requested by an Indian tribe in the time frames outlined in this section will not prohibit the Indian tribe or tribal fishermen from lawfully fishing under the treaty fishing right, and will be a complete defense in any action by the state to enforce its tax or vessel registration laws until the state complies with the terms of this section.

[Statutory Authority: RCW 88.02.100. 02-05-058, § 308-93-730, filed 2/15/02, effective 3/18/02. Statutory Authority: RCW 88.02.100 and United States v Washington, Subproceeding No. 88-1. 96-16-038, § 308-93-730, filed 8/1/96, effective 9/1/96.]

WAC 308-93-740 Indian tribe vessel registration. What registration conditions must be met to satisfy the state and the Coast Guard? Tribal and tribal member vessels will be deemed by the state and the Coast Guard to be

properly registered provided the following conditions are met:

(1) The tribal member has provided information listed in subsection (3) of this section to the Indian tribe of which they are a member, on forms satisfactory to the tribe and the state; and

(2) The tribe to which the individual member belongs has approved registration of the vessel and has notified the department, using forms satisfactory to the tribe and the state which contain information listed in subsection (3) of this section;

(3) Information required on the form for registration of a tribal vessel:

(a) Name and address of the owner, including zip code;

(b) State in which vessel is or will be principally used;

(c) The hull identification number previously issued by an issuing authority for the vessel, if any;

(d) Whether the application is for a new registration, renewal, or transfer of ownership;

(e) Whether the vessel is used for pleasure, rent or lease, dealer or manufacturer demonstration, commercial passenger carrying, commercial fishing, or other commercial use;

(f) Make of vessel;

(g) Year vessel was manufactured or model year;

(h) Manufacturer's or department assigned hull identification number, if any;

(i) Overall length of vessel;

(j) Type of vessel, i.e., open, cabin, house, or other;

(k) Hull building material, i.e., wood, steel, aluminum, fiberglass, plastic, or other;

(l) The propulsion, i.e., inboard, outboard, inboard-outdrive, sail, or other;

(m) The fuel, i.e., gasoline, diesel, or other;

(n) The signature of the owner;

(4) The registering tribe may issue a vessel number from the list obtained from the department, upon tribal approval of a member's registration application. The registration:

(a) Will be valid for a term of one year;

(b) Will be effective immediately; and

(c) Will remain in effect until suspended or revoked by the tribe in accordance with the procedure set forth in WAC 308-93-750, or for any other reason the tribe determines appropriate.

[Statutory Authority: RCW 88.02.100. 02-05-058, § 308-93-740, filed 2/15/02, effective 3/18/02. Statutory Authority: RCW 88.02.100 and United States v Washington, Subproceeding No. 88-1. 96-16-038, § 308-93-740, filed 8/1/96, effective 9/1/96.]

WAC 308-93-750 Improper Indian tribe registration. (1) **May the department either object to or seek revocation of tribal issuance of a registration contained in the tribal vessel registration maintained with the department?** Yes. The department may object to and seek revocation of tribal issuance of a registration contained in the tribal vessel registration program maintained with the department only if it is determined that:

(a) Inaccurate or false information has been submitted; or

(b) Information required pursuant to WAC 308-93-740(3) is omitted; or

(c) The department obtains information that the vessel is stolen or is not owned by the registrant.

(2) **Is the department required to notify the tribe that the registration appears to be improper?** Yes, the department must notify the tribe that the registration appears to be improper. The department's objection must be made either in person or by certified mail, return receipt requested. Within thirty days of receipt of the notice, the tribe must provide the information requested, take the requested action, clarify any misunderstanding, or inform the department that the tribe does not intend to take the action requested or provide the requested information.

(3) **Does the department have the right to request revocation of a tribally issued registration and number?** Yes, the department may request a tribally issued registration and number be revoked at any time should it be determined that the information originally submitted was false or inaccurate, the vessel is stolen or not owned by the registrant. The registrant and tribe must be given a reasonable opportunity to correct inaccurate information.

(4) **Is the revocation of a tribal vessel registration request effective immediately?** No, nor will any tribe be required to revoke, the registration, number, or vessel decal issued by the tribe to the tribal member until all dispute resolution procedures have been exhausted. If the state establishes the registration is improper, the tribe must revoke the registration number and decal.

[Statutory Authority: RCW 88.02.100. 02-05-058, § 308-93-750, filed 2/15/02, effective 3/18/02. Statutory Authority: RCW 88.02.100 and United States v Washington, Subproceeding No. 88-1. 96-16-038, § 308-93-750, filed 8/1/96, effective 9/1/96.]

WAC 308-93-760 Indian tribe vessel computer data base. (1) **When must the tribe notify the department of a vessel registration?** Each tribe must forward the proper forms and documentation to the department within five working days after approval of the registration. The mailing address is:

Department of Licensing
Title and Registration Services
Post Office Box 9909
Olympia, Washington 98507-9909

The department will store the registration data in a computer system, with twenty-four-hour availability, and have procedures that will limit access to civil or criminal law enforcement entities seeking information for law enforcement purposes.

(2) **Shall the tribe notify the department if they find information that is not correct or is incomplete on a tribal vessel registration?** Yes, if a tribe becomes aware that information regarding a vessel authorized by that tribe to participate in the treaty fishery, and contained in the department vessel identification system, or the vessel identification system of another tribe, may be erroneous or incomplete and should be corrected, the tribe will promptly notify the department or the tribe which operates the identification system. The notice to the department and the other tribe must state the reasons why it is believed the system information is incorrect or incomplete. The notifying tribe must also identify the correct or additional information the tribe believes should be

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entered into the system. The department will respond promptly to each notice regarding inaccurate or incomplete information, explaining what, if any, changes or corrections have been made.

[Statutory Authority: RCW 88.02.100. 02-05-058, § 308-93-760, filed 2/15/02, effective 3/18/02. Statutory Authority: RCW 88.02.100 and United States v Washington, Subproceeding No. 88-1. 96-16-038, § 308-93-760, filed 8/1/96, effective 9/1/96.]

WAC 308-93-770 Disclosure of Indian tribal vessel data. (1) **Who has access to tribal vessel data?** Indian tribes and tribal member vessel registration data will be stored in the department's computer system, which has twenty-four-hour availability. The department has procedures limiting access to civil or criminal law enforcement entities seeking information for law enforcement purposes. Unless ordered by a court of competent jurisdiction, no access by business persons or other private individual will be permitted unless the treaty fisher or tribe has authorized such release of information in writing. Release of information may be made to other persons or groups when specifically authorized in writing by all persons identified in the information to be released.

(2) **How is access to tribal vessel information obtained?** Access to Indian tribe vessel information must be available via a modem, or other suitable electronic format, to all state, tribal, federal, and foreign law enforcement agencies. Information available by computer will not be considered in the possession or control of any other entity. On-line access is authorized between and among all parties' vessel registration information systems to permit state, tribal, and federal enforcement personnel to directly obtain vessel registration information from the various governments' vessel information systems, regarding treaty and nontreaty vessels. No altering of another party's information will be made without that party's consent.

(3) The state shall defend against any private entity's attempt to establish a legal right to obtain tribal registration data. The department must notify the affected tribe of any such private party's claim at the time the claim is made, and must keep the tribe informed as to the status of the matter.

[Statutory Authority: RCW 88.02.100. 02-05-058, § 308-93-770, filed 2/15/02, effective 3/18/02. Statutory Authority: RCW 88.02.100 and United States v Washington, Subproceeding No. 88-1. 96-16-038, § 308-93-770, filed 8/1/96, effective 9/1/96.]

Chapter 308-94 WAC SNOWMOBILES

WAC

308-94-030	Snowmobile registration application—Registration year.
308-94-050	Snowmobile registration, decals and validating tab—Display.
308-94-080	Nonresident temporary snowmobile permit.
308-94-100	Snowmobile dealer license, license plates, costs, rented snowmobiles.
308-94-105	Delivery of snowmobile on dealer temporary permit.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

308-94-010	Registration of snowmobiles. [Statutory Authority: RCW 46.01.110. 87-03-041 (Order TL/RG 29), § 308-94-010, filed 1/16/87; Order MV-159, § 308-94-010,
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- filed 1/2/73; Order 111 MV, § 308-94-010, filed 10/5/71.] Repealed by 00-09-066, filed 4/18/00, effective 5/19/00. Statutory Authority: RCW 46.01.110.
- 308-94-020 Appointment of agents. [Order MV-159, § 308-94-020, filed 1/2/73; Order 111 MV, § 308-94-020, filed 10/5/71.] Repealed by 87-03-041 (Order TL/RG 29), filed 1/16/87. Statutory Authority: RCW 46.01.110.
- 308-94-035 Snowmobile registration—Fee. [Statutory Authority: RCW 43.51.040, 91-09-001, § 308-94-035, filed 4/4/91, effective 10/1/91. Statutory Authority: RCW 46.10.040, 43.51.040 and 43.51.060, 87-24-032 (Order 102), § 308-94-035, filed 11/24/87.] Repealed by 96-13-053, filed 6/14/96, effective 9/30/96. Statutory Authority: RCW 46.10.210 and 46.10.040.
- 308-94-040 Snowmobile registration year. [Statutory Authority: RCW 46.01.110, 87-03-041 (Order TL/RG 29), § 308-94-040, filed 1/16/87; Order MV-355, § 308-94-040, filed 5/10/76; Order MV-159, § 308-94-040, filed 1/2/73; Order 111 MV, § 308-94-040, filed 10/5/71.] Repealed by 98-08-070, filed 3/30/98, effective 4/30/98. Statutory Authority: RCW 46.01.110.
- 308-94-060 Registration for snowmobiles used as all terrain vehicles. [Order MV-159, § 308-94-060, filed 1/2/73; Order 111 MV, § 308-94-060, filed 10/5/71.] Repealed by 87-03-041 (Order TL/RG 29), filed 1/16/87. Statutory Authority: RCW 46.01.110.
- 308-94-070 Display of snowmobile registration number, decals and validation tabs. [Statutory Authority: RCW 46.01.110, 87-03-041 (Order TL/RG 29), § 308-94-070, filed 1/16/87; Order MV-355, § 308-94-070, filed 5/10/76; Order MV-159, § 308-94-070, filed 1/2/73; Order 111 MV, § 308-94-070, filed 10/5/71.] Repealed by 98-08-070, filed 3/30/98, effective 4/30/98. Statutory Authority: RCW 46.01.110.
- 308-94-090 Rented snowmobiles. [Order MV-159, § 308-94-090, filed 1/2/73; Order 111 MV, § 308-94-090, filed 10/5/71.] Repealed by 98-08-070, filed 3/30/98, effective 4/30/98. Statutory Authority: RCW 46.01.110.
- 308-94-110 Snowmobile dealer plates—Cost. [Statutory Authority: RCW 46.01.110, 87-03-041 (Order TL/RG 29), § 308-94-110, filed 1/16/87; Order MV-159, § 308-94-110, filed 1/2/73; Order 111 MV, § 308-94-110, filed 10/5/71.] Repealed by 98-08-070, filed 3/30/98, effective 4/30/98. Statutory Authority: RCW 46.01.110.
- 308-94-160 Registration and titling of off-road and nonhighway vehicles. [Statutory Authority: RCW 46.01.110, 87-03-041 (Order TL/RG 29), § 308-94-160, filed 1/16/87; Order MV-158, § 308-94-160, filed 1/2/73; Order 112 MV, § 308-94-160, filed 10/5/71.] Repealed by 00-09-066, filed 4/18/00, effective 5/19/00. Statutory Authority: RCW 46.01.110.
- 308-94-170 Certificates of title. [Statutory Authority: RCW 46.01.110, 87-03-041 (Order TL/RG 29), § 308-94-170, filed 1/16/87; Order 112 MV, § 308-94-170, filed 10/5/71.] Repealed by 99-24-013, filed 11/22/99, effective 12/23/99. Statutory Authority: RCW 46.01.110.
- 308-94-180 All terrain vehicle titling not required for vehicles presently titled. [Order MV-158, § 308-94-180, filed 1/2/73; Order 112 MV, § 308-94-180, filed 10/5/71.] Repealed by 87-03-041 (Order TL/RG 29), filed 1/16/87. Statutory Authority: RCW 46.01.110.
- 308-94-181 Vehicles titled that are not eligible for road use. [Statutory Authority: RCW 46.01.110, 87-03-041 (Order TL/RG 29), § 308-94-181, filed 1/16/87.] Repealed by 99-24-013, filed 11/22/99, effective 12/23/99. Statutory Authority: RCW 46.01.110.
- 308-94-190 Licensing of vehicles titled as all terrain vehicles. [Order MV-158, § 308-94-190, filed 1/2/73; Order 112 MV, § 308-94-190, filed 10/5/71.] Repealed by 87-03-041 (Order TL/RG 29), filed 1/16/87. Statutory Authority: RCW 46.01.110.
- 308-94-191 Vehicles issued regular title and off-road use permits. [Statutory Authority: RCW 46.01.110, 87-03-041 (Order TL/RG 29), § 308-94-191, filed 1/16/87.] Repealed by 99-24-013, filed 11/22/99, effective 12/23/99. Statutory Authority: RCW 46.01.110.
- 308-94-200 Off-road and nonhighway vehicle use permit period. [Statutory Authority: RCW 46.01.110, 92-15-021, § 308-94-200, filed 7/6/92, effective 8/6/92; 87-03-041 (Order TL/RG 29), § 308-94-200, filed 1/16/87; Order MV-355, § 308-94-200, filed 5/10/76; Order MV-158, § 308-94-200, filed 1/2/73; Order 112 MV, § 308-94-200, filed 10/5/71.] Repealed by 99-24-013, filed 11/22/99, effective 12/23/99. Statutory Authority: RCW 46.01.110.
- 308-94-210 Off-road and nonhighway vehicle use permit not required—When. [Statutory Authority: RCW 46.01.110, 87-03-041 (Order TL/RG 29), § 308-94-210, filed 1/16/87; Order MV-158, § 308-94-210, filed 1/2/73; Order 112 MV, § 308-94-210, filed 10/5/71.] Repealed by 99-24-013, filed 11/22/99, effective 12/23/99. Statutory Authority: RCW 46.01.110.
- 308-94-220 Display of off-road and nonhighway vehicle use permit decal. [Statutory Authority: RCW 46.01.110, 87-03-041 (Order TL/RG 29), § 308-94-220, filed 1/16/87; Order MV-158, § 308-94-220, filed 1/2/73; Order 112 MV, § 308-94-220, filed 10/5/71.] Repealed by 99-24-013, filed 11/22/99, effective 12/23/99. Statutory Authority: RCW 46.01.110.
- 308-94-230 Surrender of license plates required. [Order MV-158, § 308-94-230, filed 1/2/73; Order 112 MV, § 308-94-230, filed 10/5/71.] Repealed by 87-03-041 (Order TL/RG 29), filed 1/16/87. Statutory Authority: RCW 46.01.110.
- 308-94-240 Validating tab—Display. [Statutory Authority: RCW 46.01.110, 87-03-041 (Order TL/RG 29), § 308-94-240, filed 1/16/87; Order MV-355, § 308-94-240, filed 5/10/76; Order MV-158, § 308-94-240, filed 1/2/73; Order 112 MV, § 308-94-240, filed 10/5/71.] Repealed by 99-24-013, filed 11/22/99, effective 12/23/99. Statutory Authority: RCW 46.01.110.
- 308-94-250 The off-road and nonhighway vehicle use permit must be carried on vehicle. [Statutory Authority: RCW 46.01.110, 87-03-041 (Order TL/RG 29), § 308-94-250, filed 1/16/87; Order MV-158, § 308-94-250, filed 1/2/73; Order 112 MV, § 308-94-250, filed 10/5/71.] Repealed by 99-24-013, filed 11/22/99, effective 12/23/99. Statutory Authority: RCW 46.01.110.
- 308-94-260 Nonresidents. [Order MV-158, § 308-94-260, filed 1/2/73; Order 112 MV, § 308-94-260, filed 10/5/71.] Repealed by 87-03-041 (Order TL/RG 29), filed 1/16/87. Statutory Authority: RCW 46.01.110.
- 308-94-261 Temporary off-road and nonhighway vehicle use permit. [Statutory Authority: RCW 46.01.110, 87-03-041 (Order TL/RG 29), § 308-94-261, filed 1/16/87.] Repealed by 99-24-013, filed 11/22/99, effective 12/23/99. Statutory Authority: RCW 46.01.110.
- 308-94-265 Off-road vehicle dealer permit. [Statutory Authority: RCW 46.01.110, 87-03-041 (Order TL/RG 29), § 308-94-265, filed 1/16/87.] Repealed by 99-24-013, filed 11/22/99, effective 12/23/99. Statutory Authority: RCW 46.01.110.
- 308-94-270 Off-road vehicle dealer plates—Cost. [Statutory Authority: RCW 46.01.110, 87-03-041 (Order TL/RG 29), § 308-94-270, filed 1/16/87.] Repealed by 99-24-013, filed 11/22/99, effective 12/23/99. Statutory Authority: RCW 46.01.110.

WAC 308-94-030 Snowmobile registration application—Registration year. (1) How do I register my snowmobile? To register your snowmobile you must submit the following:

- (a) An application for original or transfer registration. The application must include:
- (i) The name and address of each registered owner; and
 - (ii) The make, vehicle identification number, model year, and method of propulsion of the snowmobile; and
 - (iii) The purchase price and year of purchase or declared value and year of declaration; and
- (b) A copy of any of the following:
- (i) Previously issued registration certificate;
 - (ii) Certificate of ownership from another state or country;
 - (iii) Manufacturer's certificate of origin;
 - (iv) A bill of sale or purchase agreement;
 - (v) Other department approved ownership documents; and
- (c) Applicable fees and taxes.

(2) **How are security interests recorded?** Please contact the Uniform Commercial Code section for specific instructions/application or visit them on the web site and key "security interest" in the DOL search tool. Security interests are registered with the Uniform Commercial Code section of the department, and will not be recorded on the snowmobile registration.

(3) **What is the registration period for snowmobiles?** The registration period for snowmobiles is October 1 through September 30 of the following year. Registration fees are not prorated.

[Statutory Authority: RCW 46.01.110. 06-21-023, § 308-94-030, filed 10/9/06, effective 11/9/06; 01-11-070, § 308-94-030, filed 5/14/01, effective 6/14/01; 98-08-070, § 308-94-030, filed 3/30/98, effective 4/30/98. Statutory Authority: RCW 46.01.110. 88.02.100, 46.10.040, 46.12.030, 46.16.040, 88.02.050 and 88.02.070. 96-04-004, § 308-94-030, filed 1/25/96, effective 2/25/96; 95-13-058, § 308-94-030, filed 6/19/95, effective 7/20/95. Statutory Authority: RCW 46.01.110. 92-15-021, § 308-94-030, filed 7/6/92, effective 8/6/92; 87-03-041 (Order TL/RG 29), § 308-94-030, filed 1/16/87; Order 111 MV, § 308-94-030, filed 10/5/71.]

WAC 308-94-050 Snowmobile registration, decals and validating tab—Display. (1) **Where do I carry the snowmobile registration certificate?** A snowmobile registration certificate must be:

- (a) Carried in the snowmobile for which it was issued; or
- (b) Carried on the person of the snowmobile operator; and
- (c) Be made available for inspection by any person having the authority to enforce the provisions of the snowmobile act.

(2) **How are snowmobile decals/tabs displayed?**

(a) Decals showing the registration numbers must be affixed to the right and left side of the snowmobile directly below the windshield on the hood cowling and located so that snow, passenger, driver or load will not obscure them.

(b) The month tabs must be located no more than two inches to the left of the first digit of the decal showing the registration number. Validating year tab must be located no more than two inches from the last digit of the decals showing the registration number on the left side.

[Statutory Authority: RCW 46.01.110. 02-11-019, § 308-94-050, filed 5/6/02, effective 6/6/02; 01-11-070, § 308-94-050, filed 5/14/01, effective 6/14/01; 98-08-070, § 308-94-050, filed 3/30/98, effective 4/30/98; 87-03-041 (Order TL/RG 29), § 308-94-050, filed 1/16/87; Order 111 MV, § 308-94-050, filed 10/5/71.]

WAC 308-94-080 Nonresident temporary snowmobile permit. What information is required to obtain a nonresident temporary snowmobile permit?

(1) An application for a nonresident temporary permit shall include:

- (a) Name and address of the applicant;
- (b) Plate or registration number and expiration date, if registered in another jurisdiction;
- (c) Make, vehicle identification number, model year, and method of propulsion of the snowmobile; and

(2) Applicable fees.

[Statutory Authority: RCW 46.01.110. 01-11-070, § 308-94-080, filed 5/14/01, effective 6/14/01; 98-08-070, § 308-94-080, filed 3/30/98, effective 4/30/98; 92-15-021, § 308-94-080, filed 7/6/92, effective 8/6/92; 87-03-041 (Order TL/RG 29), § 308-94-080, filed 1/16/87; Order 111 MV, § 308-94-080, filed 10/5/71.]

(2007 Ed.)

WAC 308-94-100 Snowmobile dealer license, license plates, costs, rented snowmobiles. (1) **How long is a snowmobile dealer license valid?** Snowmobile dealer licenses are valid for one year from the date of issue.

(2) **Are there restrictions for the use of the snowmobile dealer license plate?** Yes.

(a) Dealers may not test or demonstrate a snowmobile without either a valid Washington snowmobile registration or a valid snowmobile dealer license plate.

(b) Snowmobile dealer license plates may be used only for testing or demonstrating a snowmobile and must be displayed on the snowmobile so that snow, passenger, driver or load will not obscure the license plate.

(c) Snowmobile dealer license plates must not be used on rented snowmobiles.

(3) **What are the fees for a snowmobile dealer license?** A snowmobile dealer shall pay three dollars and fifty cents plus the fifty cent reflectorization fee for each dealer plate ordered from the department.

[Statutory Authority: RCW 46.01.110. 01-11-070, § 308-94-100, filed 5/14/01, effective 6/14/01; 98-08-070, § 308-94-100, filed 3/30/98, effective 4/30/98; 87-03-041 (Order TL/RG 29), § 308-94-100, filed 1/16/87; Order 111 MV, § 308-94-100, filed 10/5/71.]

WAC 308-94-105 Delivery of snowmobile on dealer temporary permit. (1) **How are snowmobile dealer temporary permits used?** By licensed snowmobile dealers as a dealer temporary permit.

(2) **How is the dealer temporary permit application issued and completed?**

(a) The dealer temporary permit application is issued by and must be completed by the selling dealer.

(b) The application must be signed by the registered owner(s).

(c) The dealer must collect all fees required for registration of a snowmobile.

(d) The dealer must detach the hard copy of the dealer permit and record the date of expiration in dark, bold letters and numbers on the permit side of that copy. Date of expiration will be forty-five calendar days after date on which the snowmobile is physically delivered to the customer/purchaser.

(e) The application copies must be used by the dealer to apply for registration of the snowmobile. Except as provided in chapter 46.10 RCW the selling dealer must submit the application and all registration fees to the department of licensing or an authorized licensing agent within forty-five calendar days from the date of sale.

(f) The hard copy of the permit and a purchase order identifying the snowmobile and the date on which the snowmobile is delivered to the customer must be carried on the snowmobile or on the person operating the snowmobile at all times the snowmobile is operated on the temporary permit.

(3) **How long is the dealer temporary permit valid?** The dealer temporary permit is valid for not more than forty-five calendar days commencing with the date on which the vehicle is delivered to the customer.

(4) **What restrictions apply to the dealer temporary permit?**

(a) The dealer temporary permit must not:

- (b) Be issued for a dealer inventoried or a dealer or dealer-employee operated snowmobile;
- (c) Be issued as a demonstration permit;
- (d) Be issued for a snowmobile processed as a courtesy delivery.

(5) **Are fees paid for the dealer temporary permit application forms refundable?** Fees paid for dealer temporary permit application forms are not refundable unless the dealer ceases doing business as a snowmobile dealer.

(6) **Is the dealer reimbursed for the cost of the dealer temporary permit when used?** Yes, a credit in the amount of the permit form fee will be credited when the permit is used by the snowmobile dealer to make application for a snowmobile registration.

(7) **Is the dealer required to keep a record of the permits?** Yes, the dealer must maintain a record of each dealer temporary permit form acquisition and distribution including the following:

- (a) Snowmobile purchaser's names;
- (b) Vehicle identification number;
- (c) Dates of snowmobile sales and deliveries; and
- (d) Date and location of purchase of each permit form and the permit number.

(8) **Is the dealer required to submit the application for registration within a certain period of time?** Yes, the dealer must submit the application for registration in accordance with WAC 308-94-030 within forty-five days from the date of delivery of the snowmobile to the customer.

The director may excuse late applications only in situations where applications are delayed for reasons beyond the control of the dealer.

[Statutory Authority: RCW 46.01.110. 05-01-090, § 308-94-105, filed 12/13/04, effective 1/13/05; 01-11-070, § 308-94-105, filed 5/14/01, effective 6/14/01.]

Chapter 308-94A WAC

OFF-ROAD AND NONHIGHWAY VEHICLES

WAC

308-94A-005	Certificates of ownership and registration.
308-94A-010	Annual off-road/nonhighway vehicle use permit (registration) period.
308-94A-015	Off-road/nonhighway vehicle use permit (registration) not required—When.
308-94A-020	Display of off-road/nonhighway vehicle use permit decals and validation tabs.
308-94A-025	Temporary off-road/nonhighway vehicle use permit application.
308-94A-030	Off-road vehicle dealer plate—Cost.

WAC 308-94A-005 Certificates of ownership and registration. (1) **Is a certificate of ownership issued for off-road and nonhighway vehicles?** Yes, a certificate of ownership is issued using the same laws, rules, and procedures for other classes of vehicles. The certificate of ownership will indicate the brand "not eligible for road use," if a vehicle is not manufactured for road use.

(2) **What are the licensing options for off-road and nonhighway vehicles described in RCW 46.09.020?** Licensing options include:

- (a) If your vehicle is licensed for road use under chapter 46.16 RCW:

- (i) Your license plates will be valid for off-road use, but you may need an ORV license in designated areas;

- (ii) You may purchase an annual or temporary off-road use permit.

- (b) If your vehicle is not manufactured for road use, you may only purchase an annual or temporary off-road use permit;

- (c) You may choose to title your vehicle without licensing it.

(3) **What is an off-road/nonhighway vehicle use permit?**

- (a) The temporary off-road/nonhighway use permit authorized under RCW 46.09.070 is:

- (i) Valid for sixty days from the date of application;

- (ii) Available to nonresidents and Washington residents who choose not to annually license their ORV;

- (iii) Not transferable to another vehicle.

- (b) The permanent off-road/nonhighway use permit authorized under RCW 46.09.070 is:

- (i) Valid for one year from the date of application;

- (ii) Available to residents of Washington who choose to annually license their ORV;

- (iii) Not transferable to another vehicle.

(4) **What do I do with the annual or temporary off-road permit?** The permit must be:

- (a) Carried on the vehicle whenever in use;

- (b) Made available to any law enforcement officer on request.

(5) **May I operate my off-road/nonhighway vehicle using a temporary or annual vehicle use permit on any dirt or gravel road, or trail in Washington?** There may be different requirements, depending upon the jurisdiction control of the dirt, gravel road, or trail area. Check with local, state, or federal authorities in the areas you intend to operate the vehicle to ensure you are operating in accordance with their requirements.

[Statutory Authority: RCW 46.16.110. 06-21-024, § 308-94A-005, filed 10/9/06, effective 11/9/06. Statutory Authority: RCW 46.01.110. 01-13-008, § 308-94A-005, filed 6/8/01, effective 7/9/01; 99-24-013, § 308-94A-005, filed 11/22/99, effective 12/23/99.]

WAC 308-94A-010 Annual off-road/nonhighway vehicle use permit (registration) period. (1) **How long is an off-road/nonhighway vehicle use permit (registration) valid?** The registration year of the off-road/nonhighway use permit (registration) begins the day it is issued and expires the same day of the following year.

(2) **Under what circumstances will the registration expiration date be changed?** The expiration date of the off-road use permit will change when:

- (a) It has been expired for more than one year;

- (b) The registration is expired at the time ownership is transferred and the new owner renews the registration;

- (c) The registered owner requests a change of registration expiration month. This can only be done at the time of renewal and requires the registered owner to purchase more than twelve months of registration, limited to the vehicle field system constraints and tab availability; or

- (d) The vehicle has subsequently been registered, but no certificate of ownership has been issued, in another jurisdiction and:

- (i) No change in ownership has occurred; and
 - (ii) The off-road/nonhighway vehicle is being registered again in Washington; and
 - (iii) The previous Washington registration has expired.
- (3) **Can I get a refund for the unused portion of my off-road/nonhighway use permit (registration)?** No, there is no refund for the unused portion.

[Statutory Authority: RCW 46.01.110. 01-13-008, § 308-94A-010, filed 6/8/01, effective 7/9/01; 99-24-013, § 308-94A-010, filed 11/22/99, effective 12/23/99.]

WAC 308-94A-015 Off-road/nonhighway vehicle use permit (registration) not required—When. When are off-road/nonhighway vehicle(s) not required to be registered? Vehicles exempted in RCW 46.09.050 and 46.09.020 are not required to obtain off-road/nonhighway vehicle use permit (registration).

[Statutory Authority: RCW 46.01.110. 01-13-008, § 308-94A-015, filed 6/8/01, effective 7/9/01; 99-24-013, § 308-94A-015, filed 11/22/99, effective 12/23/99.]

WAC 308-94A-020 Display of off-road/nonhighway vehicle use permit decals and validation tabs. (1) How do I display the off-road/nonhighway vehicle use permit number and validation tabs on my vehicle? Display off-road/nonhighway use permit number and validation tabs by:

- (a) Affixing the decals provided by the department to the right and left side or on the rear of the off-road vehicle. The decals must be visible at all times; or
- (b) Painting the vehicle use permit number in a manner that is readily legible and visible at all times. The characters must be at least one-inch high with a minimum of one-eighth inch stroke and in a color contrasting with the background; and
- (c) Reading from left to right; and
- (d) Affixing the validation month tab issued by the department no more than two inches in front of the beginning of the annual use permit decal number; and
- (e) Affixing the validation year tab no more than two inches following the last digit in the annual use permit decal number.

(2) **Is a license plate required if my off-road/nonhighway vehicle is registered for dual use?** Yes, the license plate must be displayed in the same manner as required for highway use.

[Statutory Authority: RCW 46.01.110. 01-13-008, § 308-94A-020, filed 6/8/01, effective 7/9/01; 99-24-013, § 308-94A-020, filed 11/22/99, effective 12/23/99.]

WAC 308-94A-025 Temporary off-road/nonhighway vehicle use permit application. What information does the department require when I apply for a temporary off-road/nonhighway vehicle use permit? An application for a temporary off-road/nonhighway vehicle use permit must include the following:

- (1) Name and address of the applicant;
- (2) Off-road or nonhighway vehicle plate or registration number if registered in another state;
- (3) Make and year of vehicle;
- (4) Expiration date of the foreign state registration;
- (5) Vehicle identification number;

(2007 Ed.)

- (6) Appropriate fees; and
- (7) Signature of registered owner(s).

[Statutory Authority: RCW 46.01.110. 01-13-008, § 308-94A-025, filed 6/8/01, effective 7/9/01; 99-24-013, § 308-94A-025, filed 11/22/99, effective 12/23/99.]

WAC 308-94A-030 Off-road vehicle dealer plate—Cost. What is the cost of an off-road vehicle dealer's plate? An off-road vehicle dealer must pay three dollars and fifty cents, plus the reflectorization fee of fifty cents for each dealer plate ordered from the department.

[Statutory Authority: RCW 46.01.110. 01-13-008, § 308-94A-030, filed 6/8/01, effective 7/9/01; 99-24-013, § 308-94A-030, filed 11/22/99, effective 12/23/99.]

Chapter 308-96A WAC VEHICLE LICENSES

WAC

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308-96A-021	Replacement plates—Requirements.
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308-96A-205	Gross weight—Increasing declared gross weight.
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308-96A-207	Gross weight—Changing from a farm use class to a nonfarm use class.

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308-96A-208	Gross weight—Changing from a nonfarm use class to a farm use class.	308-96A-055	Nonresident military temporary license. [Order MV-328, § 308-96A-055, filed 7/24/75.] Repealed by 86-10-040 (Order TL/RG 24), filed 5/5/86. Statutory Authority: RCW 46.16.135, 46.16.225, 46.16.490 and 46.01.110.
308-96A-210	Gross weight—Transfer of gross weight license to new owner.	308-96A-060	License plates not transferrable—Exceptions. [Order MV-328, § 308-96A-060, filed 7/24/75.] Repealed by 86-10-040 (Order TL/RG 24), filed 5/5/86. Statutory Authority: RCW 46.16.135, 46.16.225, 46.16.490 and 46.01.110.
308-96A-220	Gross weight—Transfer of gross weight license to a replacement vehicle.	308-96A-061	Honorary consul special license plates. [Statutory Authority: RCW 46.16.301 and [46.16].371. 95-17-127, § 308-96A-061, filed 8/23/95, effective 9/23/95. Statutory Authority: RCW 46.01.110, 46.16.276 and 1987 c 237. 88-01-010 (Order TL/RG 39), § 308-96A-061, filed 12/7/87.] Repealed by 99-22-058, filed 11/1/99, effective 12/2/99. Statutory Authority: RCW 46.01.110 and 46.16.276.
308-96A-260	Assignment of original registration year.	308-96A-063	Foreign organization special license plate. [Statutory Authority: RCW 46.01.110 and 1996 c 139. 96-21-044, § 308-96A-063, filed 10/11/96, effective 11/11/96.] Repealed by 99-22-058, filed 11/1/99, effective 12/2/99. Statutory Authority: RCW 46.01.110 and 46.16.276.
308-96A-275	Assignment of fleet registration expiration.	308-96A-066	Denial or cancellation of personalized license plates. [Statutory Authority: RCW 46.01.110 and 46.16.335. 98-09-024, § 308-96A-066, filed 4/8/98, effective 5/9/98. Statutory Authority: RCW 46.01.110. 93-14-083, § 308-96A-066, filed 6/30/93, effective 7/31/93.] Repealed by 01-10-069, filed 4/30/01, effective 5/31/01. Statutory Authority: RCW 46.01.110, 46.16.335, 46.16.276.
308-96A-295	Display of tabs.	308-96A-067	Reissuance or reinstatement of personalized license plates. [Statutory Authority: RCW 46.01.110 and 46.16.335. 98-09-024, § 308-96A-067, filed 4/8/98, effective 5/9/98.] Repealed by 01-10-069, filed 4/30/01, effective 5/31/01. Statutory Authority: RCW 46.01.110, 46.16.335, 46.16.276.
308-96A-300	Changing assigned registration year.	308-96A-068	Issuance of personalized license plates. [Statutory Authority: RCW 46.01.110 and 46.16.335. 98-09-024, § 308-96A-068, filed 4/8/98, effective 5/9/98.] Repealed by 01-10-069, filed 4/30/01, effective 5/31/01. Statutory Authority: RCW 46.01.110, 46.16.335, 46.16.276.
308-96A-306	Definitions—Individual with disabilities special parking privileges.	308-96A-075	Collector cars—Use limitations. [Statutory Authority: RCW 46.01.110 and 46.12.070 [46.16.335]. 91-04-025, § 308-96A-075, filed 1/29/91, effective 3/1/91. Statutory Authority: RCW 46.16.135, 46.16.225, 46.16.490 and 46.01.110. 86-10-040 (Order TL/RG 24), § 308-96A-075, filed 5/5/86; Order MV-328, § 308-96A-075, filed 7/24/75.] Repealed by 97-07-014, filed 3/11/97, effective 4/11/97. Statutory Authority: RCW 46.01.110.
308-96A-350	Outstanding parking violations—Information to be supplied by issuing jurisdiction.	308-96A-097	Confidential license plates—Records disclosure. [Statutory Authority: RCW 46.08.066. 98-16-002, § 308-96A-097, filed 7/22/98, effective 8/22/98; 85-11-014 (Order TL/RG-12), § 308-96A-097, filed 5/8/85.] Repealed by 99-16-020, filed 7/26/99, effective 8/26/99. Statutory Authority: RCW 46.08.066.
308-96A-355	Satisfaction of parking violations—Information to be supplied by issuing jurisdiction.	308-96A-100	Licensing according to use instead of vehicle type. [Statutory Authority: RCW 46.01.110 and 46.16.276. 92-03-076, § 308-96A-100, filed 1/14/92, effective 2/14/92. Statutory Authority: RCW 46.16.600, 46.16.276 and 46.01.110. 87-12-023 (Order TL/RG-34), § 308-96A-100, filed 5/28/87. Statutory Authority: RCW 46.16.135, 46.16.225, 46.16.490 and 46.01.110. 86-10-040 (Order TL/RG 24), § 308-96A-100, filed 5/5/86; Order MV-328, § 308-96A-100, filed 7/24/75.] Repealed by 99-06-029, filed 2/24/99, effective 3/27/99. Statutory Authority: RCW 46.16.276, 43.17.060 and 46.01.110.
308-96A-365	Reinstatement of parking violation.	308-96A-105	Motor homes. [Statutory Authority: RCW 46.01.110. 90-20-140, § 308-96A-105, filed 10/3/90, effective 10/3/90. Statutory Authority: RCW 46.16.135, 46.16.225, 46.16.490 and 46.01.110. 86-10-040 (Order TL/RG 24), § 308-96A-105, filed 5/5/86; Order MV-328, § 308-96A-105, filed 7/24/75.] Repealed by 99-06-029, filed 2/24/99, effective 3/27/99. Statutory Authority: RCW 46.16.276, 43.17.060, 46.16.600 and 46.01.110.
308-96A-400	Excise tax exemption—Indians.	308-96A-106	Campers titled as motor homes. [Statutory Authority: RCW 46.01.110. 90-20-140, § 308-96A-106, filed 10/3/90, effective 10/3/90.] Repealed by 99-06-029, filed 2/24/99, effective 3/27/99. Statutory Authority: RCW 46.16.276, 43.17.060, 46.16.600 and 46.01.110.
308-96A-530	Veteran remembrance license plate emblems.		
308-96A-550	Vehicle special collegiate license plates.		
308-96A-560	Special vehicle license plates—Criteria for continued issuance.		

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

308-96A-010	Certificate of registration required. [Statutory Authority: RCW 46.16.135, 46.16.225, 46.16.490 and 46.01.110. 86-10-040 (Order TL/RG 24), § 308-96A-010, filed 5/5/86; Order MV-355, § 308-96A-010, filed 5/10/76; Order MV-328, § 308-96A-010, filed 7/24/75.] Repealed by 98-19-075, filed 9/21/98, effective 10/22/98. Statutory Authority: RCW 46.01.110, 46.16.135, 46.16.225 [46.16.225], 46.16.490 and 46.16.276.	308-96A-067	Reissuance or reinstatement of personalized license plates. [Statutory Authority: RCW 46.01.110 and 46.16.335. 98-09-024, § 308-96A-067, filed 4/8/98, effective 5/9/98.] Repealed by 01-10-069, filed 4/30/01, effective 5/31/01. Statutory Authority: RCW 46.01.110, 46.16.335, 46.16.276.
308-96A-020	Replacement plates and validation tabs. [Statutory Authority: RCW 46.16.135, 46.16.225, 46.16.490 and 46.01.110. 86-10-040 (Order TL/RG 24), § 308-96A-020, filed 5/5/86; Order MV-328, § 308-96A-020, filed 7/24/75.] Repealed by 87-01-030 (Order TL/RG 31), filed 12/11/86. Statutory Authority: RCW 46.01.110 and 88.02.100.	308-96A-068	Issuance of personalized license plates. [Statutory Authority: RCW 46.01.110 and 46.16.335. 98-09-024, § 308-96A-068, filed 4/8/98, effective 5/9/98.] Repealed by 01-10-069, filed 4/30/01, effective 5/31/01. Statutory Authority: RCW 46.01.110, 46.16.335, 46.16.276.
308-96A-025	No fee where incorrect plates issued. [Order MV-328, § 308-96A-025, filed 7/24/75.] Repealed by 98-19-075, filed 9/21/98, effective 10/22/98. Statutory Authority: RCW 46.01.110, 46.16.135, 46.16.225 [46.16.225], 46.16.490 and 46.16.276.	308-96A-075	Collector cars—Use limitations. [Statutory Authority: RCW 46.01.110 and 46.12.070 [46.16.335]. 91-04-025, § 308-96A-075, filed 1/29/91, effective 3/1/91. Statutory Authority: RCW 46.16.135, 46.16.225, 46.16.490 and 46.01.110. 86-10-040 (Order TL/RG 24), § 308-96A-075, filed 5/5/86; Order MV-328, § 308-96A-075, filed 7/24/75.] Repealed by 97-07-014, filed 3/11/97, effective 4/11/97. Statutory Authority: RCW 46.01.110.
308-96A-030	Annual license renewal—Renewal by mail. [Order MV-355, § 308-96A-030, filed 5/10/76; Order MV-328, § 308-96A-030, filed 7/24/75.] Repealed by 86-10-040 (Order TL/RG 24), filed 5/5/86. Statutory Authority: RCW 46.16.135, 46.16.225, 46.16.490 and 46.01.110.	308-96A-097	Confidential license plates—Records disclosure. [Statutory Authority: RCW 46.08.066. 98-16-002, § 308-96A-097, filed 7/22/98, effective 8/22/98; 85-11-014 (Order TL/RG-12), § 308-96A-097, filed 5/8/85.] Repealed by 99-16-020, filed 7/26/99, effective 8/26/99. Statutory Authority: RCW 46.08.066.
308-96A-035	Annual license renewal. [Statutory Authority: RCW 46.01.110, 88.02.100, 46.10.040, 46.12.030, 46.16.040, 88.02.050 and 88.02.070. 96-04-004, § 308-96A-035, filed 1/25/96, effective 2/25/96; 95-13-058, § 308-96A-035, filed 6/19/95, effective 7/20/95. Statutory Authority: RCW 46.01.110. 92-15-025, § 308-96A-035, filed 7/6/92, effective 8/6/92. Statutory Authority: RCW 46.16.135, 46.16.225, 46.16.490 and 46.01.110. 86-10-040 (Order TL/RG 24), § 308-96A-035, filed 5/5/86; Order MV-328, § 308-96A-035, filed 7/24/75.] Repealed by 98-19-075, filed 9/21/98, effective 10/22/98. Statutory Authority: RCW 46.01.110, 46.16.135, 46.16.225 [46.16.225], 46.16.490 and 46.16.276.	308-96A-100	Licensing according to use instead of vehicle type. [Statutory Authority: RCW 46.01.110 and 46.16.276. 92-03-076, § 308-96A-100, filed 1/14/92, effective 2/14/92. Statutory Authority: RCW 46.16.600, 46.16.276 and 46.01.110. 87-12-023 (Order TL/RG-34), § 308-96A-100, filed 5/28/87. Statutory Authority: RCW 46.16.135, 46.16.225, 46.16.490 and 46.01.110. 86-10-040 (Order TL/RG 24), § 308-96A-100, filed 5/5/86; Order MV-328, § 308-96A-100, filed 7/24/75.] Repealed by 99-06-029, filed 2/24/99, effective 3/27/99. Statutory Authority: RCW 46.16.276, 43.17.060 and 46.01.110.
308-96A-040	Monthly abatement of license fees. [Statutory Authority: RCW 43.17.060, 46.01.060, 46.16.070 and 46.16.135. 92-02-100, § 308-96A-040, filed 1/2/92, effective 2/2/92. Statutory Authority: RCW 46.16.135, 46.16.225, 46.16.490 and 46.01.110. 86-10-040 (Order TL/RG 24), § 308-96A-040, filed 5/5/86; Order MV-355, § 308-96A-040, filed 5/10/76; Order MV-328, § 308-96A-040, filed 7/24/75.] Repealed by 98-19-075, filed 9/21/98, effective 10/22/98. Statutory Authority: RCW 46.01.110, 46.16.135, 46.16.225 [46.16.225], 46.16.490 and 46.16.276.	308-96A-105	Motor homes. [Statutory Authority: RCW 46.01.110. 90-20-140, § 308-96A-105, filed 10/3/90, effective 10/3/90. Statutory Authority: RCW 46.16.135, 46.16.225, 46.16.490 and 46.01.110. 86-10-040 (Order TL/RG 24), § 308-96A-105, filed 5/5/86; Order MV-328, § 308-96A-105, filed 7/24/75.] Repealed by 99-06-029, filed 2/24/99, effective 3/27/99. Statutory Authority: RCW 46.16.276, 43.17.060, 46.16.600 and 46.01.110.
308-96A-045	Veteran's free license. [Order MV-355, § 308-96A-045, filed 5/10/76; Order MV-328, § 308-96A-045, filed 7/24/75.] Repealed by 84-21-130 (Order TL/RG-9), filed 10/24/84. Statutory Authority: RCW 46.01.110 and 46.16.600. Later promulgation, see WAC 308-96A-046.	308-96A-106	Campers titled as motor homes. [Statutory Authority: RCW 46.01.110. 90-20-140, § 308-96A-106, filed 10/3/90, effective 10/3/90.] Repealed by 99-06-029, filed 2/24/99, effective 3/27/99. Statutory Authority: RCW 46.16.276, 43.17.060, 46.16.600 and 46.01.110.

308-96A-115	Personal use trailers. [Order MV-328, § 308-96A-115, filed 7/24/75.] Repealed by 86-10-040 (Order TL/RG 24), filed 5/5/86. Statutory Authority: RCW 46.16.135, 46.16.225, 46.16.490 and 46.01.110.	308-96A-235	Transfer of tonnage license—Involuntary transfer. [Order MV-328, § 308-96A-235, filed 7/24/75.] Repealed by 86-10-040 (Order TL/RG 24), filed 5/5/86. Statutory Authority: RCW 46.16.135, 46.16.225, 46.16.490 and 46.01.110.
308-96A-120	Campers. [Statutory Authority: RCW 46.01.110, 90-20-140, § 308-96A-120, filed 10/3/90, effective 10/3/90. Statutory Authority: RCW 46.16.135, 46.16.225, 46.16.490 and 46.01.110. 86-10-040 (Order TL/RG 24), § 308-96A-120, filed 5/5/86; Order MV-328, § 308-96A-120, filed 7/24/75.] Repealed by 99-06-029, filed 2/24/99, effective 3/27/99. Statutory Authority: RCW 46.16.276, 43.17.060, 46.16.600 and 46.01.110.	308-96A-240	Transfer of tonnage license—Vehicle transferred to another state. [Order MV-328, § 308-96A-240, filed 7/24/75.] Repealed by 86-10-040 (Order TL/RG 24), filed 5/5/86. Statutory Authority: RCW 46.16.135, 46.16.225, 46.16.490 and 46.01.110.
308-96A-125	"Drive yourself" or "U-drive" vehicles. [Order MV-328, § 308-96A-125, filed 7/24/75.] Repealed by 86-10-040 (Order TL/RG 24), filed 5/5/86. Statutory Authority: RCW 46.16.135, 46.16.225, 46.16.490 and 46.01.110.	308-96A-265	Staggered licensing—Conversion of vehicles currently licensed. [Order MV-355, § 308-96A-265, filed 5/10/76.] Repealed by 86-10-040 (Order TL/RG 24), filed 5/5/86. Statutory Authority: RCW 46.16.135, 46.16.225, 46.16.490 and 46.01.110.
308-96A-130	Hearses and ambulances. [Order MV-328, § 308-96A-130, filed 7/24/75.] Repealed by 86-10-040 (Order TL/RG 24), filed 5/5/86. Statutory Authority: RCW 46.16.135, 46.16.225, 46.16.490 and 46.01.110.	308-96A-270	Staggered licensing—Billing for other than 12 months. [Order MV-355, § 308-96A-270, filed 5/10/76.] Repealed by 86-10-040 (Order TL/RG 24), filed 5/5/86. Statutory Authority: RCW 46.16.135, 46.16.225, 46.16.490 and 46.01.110.
308-96A-140	Special construction equipment. [Order MV-328, § 308-96A-140, filed 7/24/75.] Repealed by 86-10-040 (Order TL/RG 24), filed 5/5/86. Statutory Authority: RCW 46.16.135, 46.16.225, 46.16.490 and 46.01.110.	308-96A-280	Staggered licensing—Excise tax computation. [Order MV-355, § 308-96A-280, filed 5/10/76.] Repealed by 86-10-040 (Order TL/RG 24), filed 5/5/86. Statutory Authority: RCW 46.16.135, 46.16.225, 46.16.490 and 46.01.110.
308-96A-150	Farm vehicles. [Order MV-328, § 308-96A-150, filed 7/24/75.] Repealed by 99-01-133, filed 12/21/98, effective 1/21/99. Statutory Authority: RCW 46.01.110, 46.16.070 and 46.16.135.	308-96A-285	Quarterly tonnage. [Order MV-355, § 308-96A-285, filed 5/10/76.] Repealed by 86-10-040 (Order TL/RG 24), filed 5/5/86. Statutory Authority: RCW 46.16.135, 46.16.225, 46.16.490 and 46.01.110.
308-96A-155	Change of class. [Order MV-355, § 308-96A-155, filed 5/10/76; Order MV-328, § 308-96A-155, filed 7/24/75.] Repealed by 86-10-040 (Order TL/RG 24), filed 5/5/86. Statutory Authority: RCW 46.16.135, 46.16.225, 46.16.490 and 46.01.110.	308-96A-290	Quarterly tonnage—Refunds excess of twelve months. [Order MV-355, § 308-96A-290, filed 5/10/76.] Repealed by 86-10-040 (Order TL/RG 24), filed 5/5/86. Statutory Authority: RCW 46.16.135, 46.16.225, 46.16.490 and 46.01.110.
308-96A-160	Change of class—Sale of exempt vehicle. [Order MV-328, § 308-96A-160, filed 7/24/75.] Repealed by 86-10-040 (Order TL/RG 24), filed 5/5/86. Statutory Authority: RCW 46.16.135, 46.16.225, 46.16.490 and 46.01.110.	308-96A-305	Quarterly tonnage—Destroyed vehicles rebuilt. [Order MV-355, § 308-96A-305, filed 5/10/76.] Repealed by 86-10-040 (Order TL/RG 24), filed 5/5/86. Statutory Authority: RCW 46.16.135, 46.16.225, 46.16.490 and 46.01.110.
308-96A-162	Permanent fleet registration. [Statutory Authority: RCW 46.01.110, 97-10-003, § 308-96A-162, filed 4/24/97, effective 5/25/97; 92-15-025, § 308-96A-162, filed 7/6/92, effective 8/6/92. Statutory Authority: RCW 46.01.110 and 46.16.335. 91-15-006, § 308-96A-162, filed 7/8/91, effective 8/8/91.] Repealed by 99-19-026, filed 9/8/99, effective 10/9/99. Statutory Authority: RCW 46.01.110, 46.01.100 and 46.16.060.	308-96A-310	Application—Disabled person parking privileges. [Statutory Authority: RCW 46.01.110 and 46.16.276. 92-03-076, § 308-96A-310, filed 1/14/92, effective 2/14/92. Statutory Authority: RCW 46.01.110, 46.16.276 and 46.16.381. 88-01-010 (Order TL/RG 39), § 308-96A-310, filed 12/7/87. Statutory Authority: RCW 46.01.110 and 1984 c 154 § 2(2) [RCW 46.16.381(2)]. 84-17-073 (Order TL-RG 6), § 308-96A-310, filed 8/15/84.] Repealed by 98-22-032, filed 10/29/98, effective 10/29/98. Statutory Authority: RCW 46.16.381, 46.01.110 and 46.16.276.
308-96A-165	Change of class—Purchase of previously nonexempt vehicle by state, county, or city department. [Order MV-328, § 308-96A-165, filed 7/24/75.] Repealed by 86-10-040 (Order TL/RG 24), filed 5/5/86. Statutory Authority: RCW 46.16.135, 46.16.225, 46.16.490 and 46.01.110.	308-96A-311	General provisions. [Statutory Authority: RCW 46.16.381. 05-07-151, § 308-96A-311, filed 3/23/05, effective 4/23/05; 04-14-077, § 308-96A-311, filed 7/6/04, effective 8/6/04; 02-04-002, § 308-96A-311, filed 1/23/02, effective 2/23/02. Statutory Authority: RCW 46.16.381, 46.01.110 and 46.16.276. 99-21-034, § 308-96A-311, filed 10/15/99, effective 11/15/99; 98-22-032, § 308-96A-311, filed 10/29/98, effective 10/29/98.] Repealed by 06-19-079, filed 9/19/06, effective 10/20/06. Statutory Authority: RCW 46.16.381.
308-96A-170	Change of class—Exempt agencies returning leased vehicles. [Order MV-355, § 308-96A-170, filed 5/10/76; Order MV-328, § 308-96A-170, filed 7/24/75.] Repealed by 86-10-040 (Order TL/RG 24), filed 5/5/86. Statutory Authority: RCW 46.16.135, 46.16.225, 46.16.490 and 46.01.110.	308-96A-312	Temporary individual with disabilities parking placard and identification card. [Statutory Authority: RCW 46.16.381. 04-14-077, § 308-96A-312, filed 7/6/04, effective 8/6/04; 02-04-002, § 308-96A-312, filed 1/23/02, effective 2/23/02. Statutory Authority: RCW 46.16.381, 46.01.110 and 46.16.276. 99-21-034, § 308-96A-312, filed 10/15/99, effective 11/15/99; 98-22-032, § 308-96A-312, filed 10/29/98, effective 10/29/98.] Repealed by 06-19-079, filed 9/19/06, effective 10/20/06. Statutory Authority: RCW 46.16.381.
308-96A-177	Replacement of license plates. [Statutory Authority: RCW 46.01.110, 46.16.335, 46.16.276. 01-10-069, § 308-96A-177, filed 4/30/01, effective 5/31/01.] Repealed by 03-05-080, filed 2/19/03, effective 3/22/03. Statutory Authority: RCW 46.01.110.	308-96A-313	Individual with disabilities parking placard and identification card—For permanent disabilities. [Statutory Authority: RCW 46.16.381. 04-14-077, § 308-96A-313, filed 7/6/04, effective 8/6/04; 02-04-002, § 308-96A-313, filed 1/23/02, effective 2/23/02. Statutory Authority: RCW 46.16.381, 46.01.110 and 46.16.276. 99-21-034, § 308-96A-313, filed 10/15/99, effective 11/15/99; 98-22-032, § 308-96A-313, filed 10/29/98, effective 10/29/98.] Repealed by 06-19-079, filed 9/19/06, effective 10/20/06. Statutory Authority: RCW 46.16.381.
308-96A-200	Computing capacity fee. [Order MV-328, § 308-96A-200, filed 7/24/75.] Repealed by 86-10-040 (Order TL/RG 24), filed 5/5/86. Statutory Authority: RCW 46.16.135, 46.16.225, 46.16.490 and 46.01.110.	308-96A-314	Individual with disabilities special license plates. [Statutory Authority: RCW 46.16.381. 05-07-151, § 308-96A-314, filed 3/23/05, effective 4/23/05; 04-14-077, §
308-96A-215	Transfer of tonnage license—From person to person. [Order MV-328, § 308-96A-215, filed 7/24/75.] Repealed by 86-10-040 (Order TL/RG 24), filed 5/5/86. Statutory Authority: RCW 46.16.135, 46.16.225, 46.16.490 and 46.01.110.		
308-96A-225	Transfer of tonnage license—To a farmer. [Order MV-328, § 308-96A-225, filed 7/24/75.] Repealed by 86-10-040 (Order TL/RG 24), filed 5/5/86. Statutory Authority: RCW 46.16.135, 46.16.225, 46.16.490 and 46.01.110.		
308-96A-230	Transfer of tonnage license—From a farmer. [Order MV-328, § 308-96A-230, filed 7/24/75.] Repealed by 86-10-040 (Order TL/RG 24), filed 5/5/86. Statutory Authority: RCW 46.16.135, 46.16.225, 46.16.490 and 46.01.110.		

- 308-96A-314, filed 7/6/04, effective 8/6/04. Statutory Authority: RCW 46.01.110, 46.16.335, 46.12.070. 03-05-082, § 308-96A-314, filed 2/19/03, effective 3/22/03. Statutory Authority: RCW 46.16.381. 02-04-002, § 308-96A-314, filed 1/23/02, effective 2/23/02. Statutory Authority: RCW 46.16.381, 46.01.110 and 46.16.276. 99-21-034, § 308-96A-314, filed 10/15/99, effective 11/15/99; 98-22-032, § 308-96A-314, filed 10/29/98, effective 10/29/98.] Repealed by 06-19-079, filed 9/19/06, effective 10/20/06. Statutory Authority: RCW 46.16.381.
- 308-96A-315 Temporary placards. [Statutory Authority: RCW 46.01.110. 97-02-001, § 308-96A-315, filed 12/19/96, effective 1/19/97. Statutory Authority: RCW 46.01.110 and 46.16.276. 92-03-076, § 308-96A-315, filed 1/14/92, effective 2/14/92. Statutory Authority: RCW 46.01.110 and 1984 c 154 § 2(2) [RCW 46.16.381(2)]. 84-17-073 (Order TL-RG 6), § 308-96A-315, filed 8/15/84.] Repealed by 98-01-020, filed 12/8/97, effective 1/8/98. Statutory Authority: RCW 34.05.354.
- 308-96A-316 Permanent placard and individual with disabilities special license plates for organizations. [Statutory Authority: RCW 46.16.381. 04-14-077, § 308-96A-316, filed 7/6/04, effective 8/6/04. Statutory Authority: RCW 46.01.110, 46.16.335, 46.12.070. 03-05-082, § 308-96A-316, filed 2/19/03, effective 3/22/03. Statutory Authority: RCW 46.16.381. 02-04-002, § 308-96A-316, filed 1/23/02, effective 2/23/02. Statutory Authority: RCW 46.16.381, 46.01.110 and 46.16.276. 99-21-034, § 308-96A-316, filed 10/15/99, effective 11/15/99; 98-22-032, § 308-96A-316, filed 10/29/98, effective 10/29/98.] Repealed by 06-19-079, filed 9/19/06, effective 10/20/06. Statutory Authority: RCW 46.16.381.
- 308-96A-320 Cardiovascular disease or cardiac condition. [Statutory Authority: RCW 46.01.110 and 46.16.276. 92-03-076, § 308-96A-320, filed 1/14/92, effective 2/14/92. Statutory Authority: RCW 46.01.110 and 1984 c 154 § 2(2) [RCW 46.16.381(2)]. 84-17-073 (Order TL-RG 6), § 308-96A-320, filed 8/15/84.] Repealed by 98-22-032, filed 10/29/98, effective 10/29/98. Statutory Authority: RCW 46.16.381, 46.01.110 and 46.16.276.
- 308-96A-325 Loss of disabled person parking placard, plate. [Statutory Authority: RCW 46.01.110 and 46.16.276. 92-03-076, § 308-96A-325, filed 1/14/92, effective 2/14/92. Statutory Authority: RCW 46.01.110, 46.16.276 and 46.16.381. 88-01-010 (Order TL/RG 39), § 308-96A-325, filed 12/7/87. Statutory Authority: RCW 46.16.600, 46.16.276 and 46.01.110. 87-12-023 (Order TL/RG-34), § 308-96A-325, filed 5/28/87. Statutory Authority: RCW 46.01.110 and 1984 c 154 § 2(2) [RCW 46.16.381(2)]. 84-17-073 (Order TL-RG 6), § 308-96A-325, filed 8/15/84.] Repealed by 98-22-032, filed 10/29/98, effective 10/29/98. Statutory Authority: RCW 46.16.381, 46.01.110 and 46.16.276.
- 308-96A-330 Application for organization disabled person parking placards. [Statutory Authority: RCW 46.01.110. 97-02-001, § 308-96A-330, filed 12/19/96, effective 1/19/97. Statutory Authority: RCW 46.01.110. 93-14-083, § 308-96A-330, filed 6/30/93, effective 7/31/93. Statutory Authority: RCW 46.01.110 and 46.16.276. 92-03-076, § 308-96A-330, filed 1/14/92, effective 2/14/92. Statutory Authority: RCW 46.16.600, 46.16.276 and 46.01.110. 87-12-023 (Order TL/RG-34), § 308-96A-330, filed 5/28/87. Statutory Authority: RCW 46.01.110 and 1984 c 154 § 2(2) [RCW 46.16.381(2)]. 84-17-073 (Order TL-RG 6), § 308-96A-330, filed 8/15/84.] Repealed by 98-22-032, filed 10/29/98, effective 10/29/98. Statutory Authority: RCW 46.16.381, 46.01.110 and 46.16.276.
- 308-96A-335 Organization special parking privilege placards—Transfer, limitations. [Statutory Authority: RCW 46.01.110. 97-02-001, § 308-96A-335, filed 12/19/96, effective 1/19/97. Statutory Authority: RCW 46.01.110 and 46.16.276. 92-03-076, § 308-96A-335, filed 1/14/92, effective 2/14/92. Statutory Authority: RCW 46.16.600, 46.16.276 and 46.01.110. 87-12-023 (Order TL/RG-34), § 308-96A-335, filed 5/28/87. Statutory Authority: RCW 46.01.110 and 1984 c 154 § 2(2) [RCW 46.16.381(2)]. 84-17-073 (Order TL-RG 6), § 308-96A-335, filed 8/15/84.] Repealed by 98-22-032, filed 10/29/98, effective 10/29/98. Statutory Authority: RCW 46.16.381, 46.01.110 and 46.16.276.
- 308-96A-340 Disabled person parking privileges—Validation term. [Statutory Authority: RCW 46.01.110. 97-02-001, § 308-96A-340, filed 12/19/96, effective 1/19/97. Statutory Authority: RCW 46.01.110 and 46.16.276. 92-03-076, § 308-96A-340, filed 1/14/92, effective 2/14/92.] Repealed by 98-22-032, filed 10/29/98, effective 10/29/98. Statutory Authority: RCW 46.16.381, 46.01.110 and 46.16.276.
- 308-96A-345 Definitions. [Statutory Authority: RCW 46.01.110, 46.12.040 and 46.16.216. 00-03-057, § 308-96A-345, filed 1/18/00, effective 2/18/00; 91-04-024, § 308-96A-345, filed 1/29/91, effective 3/1/91. Statutory Authority: RCW 46.01.110. 84-17-074 (Order TL-RG 7), § 308-96A-345, filed 8/15/84.] Repealed by 01-17-017, filed 8/3/01, effective 9/3/01. Statutory Authority: RCW 46.01.110, 46.16.135, 46.46.16.225 [46.16.225], 46.16.-490, and 46.16.276.
- 308-96A-360 Return of unacceptable notification to jurisdiction. [Statutory Authority: RCW 46.01.110. 84-17-074 (Order TL-RG 7), § 308-96A-360, filed 8/15/84.] Repealed by 00-03-057, filed 1/18/00, effective 2/18/00. Statutory Authority: RCW 46.01.110, 46.12.040 and 46.16.216.
- 308-96A-370 Removal of parking ticket information from active file. [Statutory Authority: RCW 46.01.110. 84-17-074 (Order TL-RG 7), § 308-96A-370, filed 8/15/84.] Repealed by 00-03-057, filed 1/18/00, effective 2/18/00. Statutory Authority: RCW 46.01.110, 46.12.040 and 46.16.216.
- 308-96A-375 Parking violation list. [Statutory Authority: RCW 46.01.110. 84-17-074 (Order TL-RG 7), § 308-96A-375, filed 8/15/84.] Repealed by 00-03-057, filed 1/18/00, effective 2/18/00. Statutory Authority: RCW 46.01.110, 46.12.040 and 46.16.216.
- 308-96A-380 Effect of one hundred twenty-day notice on license renewal. [Statutory Authority: RCW 46.01.110, 46.12.040 and 46.16.216. 91-04-024, § 308-96A-380, filed 1/29/91, effective 3/1/91. Statutory Authority: RCW 46.01.110. 84-17-074 (Order TL-RG 7), § 308-96A-380, filed 8/15/84.] Repealed by 00-03-057, filed 1/18/00, effective 2/18/00. Statutory Authority: RCW 46.01.110, 46.12.040 and 46.16.216.
- 308-96A-410 Study fee. [Statutory Authority: RCW 46.01.110, 46.01.100 and 46.16.060. 99-19-026, § 308-96A-410, filed 9/8/99, effective 10/9/99. Statutory Authority: RCW 46.16.600, 46.16.276 and 46.01.110. 87-12-023 (Order TL/RG-34), § 308-96A-410, filed 5/28/87.] Repealed by 01-12-099, filed 6/6/01, effective 7/7/01. Statutory Authority: RCW 46.01.110.
- 308-96A-415 Centennial plate issuance. [Statutory Authority: RCW 46.16.600, 46.16.276 and 46.01.110. 87-12-023 (Order TL/RG-34), § 308-96A-415, filed 5/28/87.] Repealed by 98-01-151, filed 12/22/97, effective 1/22/98. Statutory Authority: RCW 46.01.110 and 1997 c 291.
- 308-96A-420 Centennial plate fee. [Statutory Authority: RCW 46.16.600, 46.16.276 and 46.01.110. 87-12-023 (Order TL/RG-34), § 308-96A-420, filed 5/28/87.] Repealed by 98-01-151, filed 12/22/97, effective 1/22/98. Statutory Authority: RCW 46.01.110 and 1997 c 291.
- 308-96A-450 Driving without valid license—Temporary vehicle registration. [Statutory Authority: RCW 46.16.760(2). 88-19-017 (Order TL/RG 43), § 308-96A-450, filed 9/9/88.] Repealed by 95-08-038, filed 3/31/95, effective 5/1/95. Statutory Authority: RCW 46.01.110 and 46.16.760(2).
- 308-96A-460 Vehicle registration cancellation hearings. [Statutory Authority: RCW 46.16.760(2). 88-19-017 (Order TL/RG 43), § 308-96A-460, filed 9/9/88.] Repealed by 95-08-038, filed 3/31/95, effective 5/1/95. Statutory Authority: RCW 46.01.110 and 46.16.760(2).
- 308-96A-470 Driving without valid license—Reregistration after cancellation. [Statutory Authority: RCW 46.16.760(2). 88-19-017 (Order TL/RG 43), § 308-96A-470, filed 9/9/88.] Repealed by 95-08-038, filed 3/31/95, effective 5/1/95. Statutory Authority: RCW 46.01.110 and 46.16.760(2).
- 308-96A-480 Driving without valid license—Vehicle operating on a permit. [Statutory Authority: RCW 46.16.760(2). 88-19-017 (Order TL/RG 43), § 308-96A-480, filed 9/9/88.] Repealed by 95-08-038, filed 3/31/95, effective 5/1/95. Statutory Authority: RCW 46.01.110 and 46.16.760(2).
- 308-96A-490 Driving without valid license—No valid registration. [Statutory Authority: RCW 46.01.110 and 46.16.276. 88-23-016 (Order TL/RG 45), § 308-96A-490, filed 11/7/88.] Repealed by 95-08-038, filed 3/31/95, effective 5/1/95.]

- tive 5/1/95. Statutory Authority: RCW 46.01.110 and 46.16.760(2).
- 308-96A-505 Veteran license plate emblems—Available. [Statutory Authority: RCW 46.16.319(2), 96-13-054, § 308-96A-505, filed 6/14/96, effective 7/15/96. Statutory Authority: RCW 46.01.110, 91-03-091, § 308-96A-505, filed 1/18/91, effective 2/18/91.] Repealed by 00-01-151, filed 12/21/99, effective 1/21/00. Statutory Authority: RCW 46.01.110, 46.16.276 and 43.17.060.
- 308-96A-510 Veteran license plate emblems—Fees. [Statutory Authority: RCW 46.01.110, 91-03-091, § 308-96A-510, filed 1/18/91, effective 2/18/91.] Repealed by 00-01-151, filed 12/21/99, effective 1/21/00. Statutory Authority: RCW 46.01.110, 46.16.276 and 43.17.060.
- 308-96A-520 License plate emblems—How affixed. [Statutory Authority: RCW 46.01.110, 91-03-091, § 308-96A-520, filed 1/18/91, effective 2/18/91.] Repealed by 00-01-151, filed 12/21/99, effective 1/21/00. Statutory Authority: RCW 46.01.110, 46.16.276 and 43.17.060.
- 308-96A-540 License plate emblems—Follow vehicle on transfer. [Statutory Authority: RCW 46.01.110, 91-03-091, § 308-96A-540, filed 1/18/91, effective 2/18/91.] Repealed by 00-01-151, filed 12/21/99, effective 1/21/00. Statutory Authority: RCW 46.01.110, 46.16.276 and 43.17.060.

Reviser's note: Chapter 308-96 WAC entitled, "Vehicle licenses," was repealed by Order MV-328, filed 7/24/75. See title digest disposition of chapter.

WAC 308-96A-005 Terminology—Definitions.

Terms used in chapter 46.16 RCW and this chapter will have the following meanings except where otherwise defined, and where the context clearly indicates the contrary:

- (1) "Affidavit of loss" is a written statement confirming the certificate of ownership, registration certificate, validation tab or decal has been lost, stolen, destroyed or mutilated. The affidavit of loss release of interest form may be used to release interest in the vehicle and transfer gross weight license of that vehicle to a new owner. The signature of the owner completing the affidavit of loss release of interest must be notarized or certified as described in WAC 308-56A-270.
- (2) "Agent" means any county auditor, or other individual or business entity other than a subagent appointed to carry out vehicle licensing and titling functions for the department. (RCW 46.01.140.)
- (3) "Application" means a form provided or approved by the department to apply for different types of services and documents.
- (4) "Cab and chassis" is an incomplete vehicle manufactured and sold with only a cab, frame and running gear. (WAC 308-96A-145.)
- (5) "Certificate of license registration" means a document issued by the department and required by RCW 46.16.260 to be carried in the vehicle to operate legally on the roadways of Washington and described in RCW 46.12.050.
- (6) "Chattel lien" is a process by which a person may sell or take ownership of a vehicle when:
 - (a) They provide services or materials for a vehicle at the request of the registered owner; and
 - (b) The person who provided the services and/or materials has not been compensated.
- (7) "Collector vehicle license plate" is a special license plate that may be assigned to a vehicle that is more than thirty years old as authorized by RCW 46.16.305(1).
- (8) "Confidential" and "undercover" license plates are standard issue license plates assigned to vehicles owned or operated by public agencies. These license plates are used as specifically authorized by RCW 46.08.066.

(9) "Current year" means the current registration year unless otherwise stated. (WAC 308-96A-260.)

(10) "Department" means the department of licensing. (RCW 46.04.162.)

(11) "Empty scale weight" means the same as "scale weight" in this section.

(12) "Expiration day and month."

(a) "Date of expiration" or "expiration date" means the day of the month on which the vehicle registration, gross weight license, decal or tabs expire.

(b) "Month of expiration" or "expiration month" means the calendar month during which a registration period ends. (WAC 308-96A-260.)

(13) "Fleet" means a group of vehicles registered in the same owner name and which have been assigned the same fleet identifier code by the department.

(14) "Fixed load vehicle" is a vehicle that is exempt from the one hundred fifty percent gross weight requirements as specified in RCW 46.16.079 and described in WAC 308-96A-099.

(15) "Gross weight," "declared gross weight," and "tonnage" mean gross weight defined in RCW 46.16.070, 46.16.090, 46.16.111 and chapter 46.44 RCW.

(16) "Gross vehicle weight rating" (GVWR) means the value specified by the manufacturer as a maximum load weight of a single vehicle.

(17) "Hybrid motor vehicle" means a vehicle that uses multiple power sources or fuel types for propulsion and meets the federal definition of a hybrid motor vehicle.

(18) "Identification card" means the identification card referred to in RCW 46.16.381(3) for disabled parking privileges and is used for identification of persons with disabilities.

(19) "Indian country" means all lands, notwithstanding the issuance of any patent, within the exterior boundaries set aside by the United States for the use and occupancy of Indian tribes by treaty, law or executive order and which are areas currently recognized as "Indian country" by the United States Department of the Interior as referenced in 18 U.S.C. 1151 and CFR 25.

(20) "Indian tribe" means a Washington Indian nation, tribe, band, or community recognized as an "Indian tribe" by the United States Department of the Interior.

(21) "Indian" means a person on the tribal rolls of the Washington Indian tribe occupying Indian country.

(22) "Individual with disabilities parking placard expiration date" means the last day of the month as specified on the department placard.

(23) "Jurisdiction" as used in the parking ticket system means any district, municipal, justice, superior court, or authorized representative of one of these entities.

(24) "Jurisdiction seal" means an embossed seal or stamp provided by the jurisdiction to authenticate court documents.

(25) "Landlord's lien" for rent is a process by which a landlord may sell or take ownership of a tenant's vehicle as security for rent due.

(26) "License or licensing" and "register or registering" are synonymous and mean the act of registering a vehicle under chapter 46.16 RCW.

(27) "License fee" means the fees required for the act of licensing a vehicle under chapter 46.16 RCW. License fee

does not include license plate fees identified as taxes, and fees collected by the department for other jurisdictions.

(28) "License tab fees" means the same as described in RCW 46.16.0621.

(29) "Licensed physician" for the purpose of individual with disabilities parking privileges, means: Chiropractic physicians, naturopaths, medical doctors, osteopathic physicians, podiatric physicians, and advanced registered nurse practitioners. Licensed physician does not include persons licensed in the professions of dentistry and optometry. (RCW 46.16.381(1).)

(30) "Motor home" means a vehicle designed or altered for human habitation as described in RCW 46.04.305.

(31) "Municipality" in reference to parking tickets, means every court having jurisdiction over offenses committed under RCW 46.20.270.

(32) "Natural person" means a human being.

(33) "NCIC number" means the numeric code assigned by the National Crime Information Center to identify a jurisdiction.

(34) "One hundred twenty-day notice" in reference to parking violations means a notice of parking violations that must be satisfied prior to the registration renewal date. (RCW 46.16.216.)

(35) "Parking ticket disposition" means the requested action as determined by the jurisdiction to add failure-to-pay parking violations, or to remove paid parking violations from a vehicle record. (RCW 46.16.216.)

(36) "Parking violation" means any standing, stopping or parking violation per RCW 46.20.270(3).

(37) "Parking violation list" means a computerized list containing all outstanding parking violations, which have been processed by the department (RCW 46.16.216(1).)

(38) "Permanent" in reference to individual with disabilities parking privileges, means a licensed physician has certified that a qualifying condition is expected to last at least five years. (RCW 46.16.381. WAC 308-96A-306.)

(39) "Permanent fleet" means a group of one hundred or more vehicles registered in the same owner(s) name and which have been assigned the same fleet identifier code by the department and has an expiration date of December 31st of each year. (WAC 308-96A-161.)

(40) "Permit" in reference to individual with disabilities parking privileges means the proof provided by the department in the form of placard(s), special license plate(s) and an identification card indicating eligibility for individual with disabilities parking privileges. (RCW 46.16.381.)

(41) "Personalized license plates" are plates denoting the registered owner's chosen format or designation and are limited to those described in RCW 46.16.560, 46.16.570, and 46.16.580. (WAC 308-96A-065.)

(42) "Personal use vehicle" in reference to disabled veteran's, prisoners of war and congressional medal of honor plates, means vehicles not used for commercial purpose including: Passenger vehicles, motor homes, motorcycles, and trucks with designated gross vehicle weight not exceeding twelve thousand pounds. Registration ownership must be in the name of the individual and not in the business name. (WAC 308-96A-046.)

(43) "Placard" is an item issued to individuals who qualify for special individual with disabilities parking privileges

under RCW 46.16.381 and are entitled to receive from the department of licensing in the form of a removable windshield placard bearing the international symbol of access and individual serial number.

(44) "Private carriers" means those entities contracting with public transportation authorities to transport persons with disabilities described in RCW 46.16.381.

(45) "Private use trailer" means one that is owned by a natural person, and used for the private noncommercial use of the owner.

(46) "Privilege" in reference to individual with disabilities parking privileges means permission to utilize the benefits associated with the permit. (RCW 46.16.381, 46.61.582 and 70.84.090. WAC 308-96A-306.)

(47) "Public transportation authorities" means those entities operating motor vehicles owned or leased by Washington state, or a town, city, county, municipality, or metropolitan or municipal corporation within the state, or United States government agencies or Indian nations used for the primary purpose of transporting persons with disabilities described in RCW 46.16.381.

(48) "Regular fleet" means a group of five or more vehicles registered in the same owner(s) name and which have been assigned the same fleet identifier code by the department and has an expiration date of December 31st of each year. (WAC 308-96A-161.)

(49) "Rental car" means a car that is rented as defined in RCW 46.04.465.

(50) "Renewal notice" means the notice to renew a vehicle license. Renewal notices are sent to the registered owner approximately sixty days prior to the current expiration date.

(51) "Salvage title" means a certificate of title issued by another jurisdiction designating a motor vehicle as a "salvage vehicle."

(52) "Scale weight" means the weight of a vehicle as it stands without a load. (RCW 46.16.070, 46.16.111, and chapter 46.17 RCW.)

(53) "Self-storage facilities lien" is a process by which the owner of a self-storage facility may sell a vehicle stored at the facility as security for rent or other charges due.

(54) "Signature" means any memorandum, mark, sign or subscriptions made with intent to authenticate an application. (RCW 9A.04.110(23).)

(55) "Special mailer" means the notice sent by the department in lieu of a renewal notice. The special mailer indicates additional or corrective information that must be provided at the time of registration renewal.

(56) "Subagent" means individual(s) recommended by an agent and appointed by the director to provide vehicle and vessel licensing and titling services under contract with the agent as described in RCW 46.01.140.

(57) "Tab(s)" means stickers, issued by the department, affixed to the rear license plate to identify the registration expiration month and year for a specific vehicle.

(58) "Transit permit" means a document that authorizes an individual to operate a vehicle on a public highway of this state solely for the purpose of obtaining necessary documentation to complete and apply for a Washington certificate of ownership or registration, and does not allow unrestricted use of the vehicle. (WAC 308-96A-026.)

(59) "Unprocessed" as used in parking ticket system means no update of the computer record has not been updated.

(60) "Use classes" means those vehicles described in WAC 308-96A-099.

(61) "Vehicle data base record" means the electronic record stored on the department's motor vehicle data base reflecting vehicle and ownership information.

(62) "Vehicle/vessel seller's report of sale" means a document or electronic record transaction that when properly filed protects the seller of a vehicle/vessel from certain criminal and civil liabilities arising from use of the vehicle/vessel by another person after the vehicle/vessel has been sold or a change in ownership has occurred.

[Statutory Authority: RCW 46.16.010, 06-21-027, § 308-96A-005, filed 10/9/06, effective 11/9/06. Statutory Authority: RCW 46.16.381, 04-14-077, § 308-96A-005, filed 7/6/04, effective 8/6/04. Statutory Authority: RCW 46.01.1110, 46.16.135, 46.16.225, 46.16.490, 46.17.276, 02-17-024, § 308-96A-005, filed 8/12/02, effective 9/12/02. Statutory Authority: RCW 46.01.110, 46.16.135, 46.16.225 [46.16.225], 46.16.490, and 46.16.276, 01-17-017, § 308-96A-005, filed 8/3/01, effective 9/3/01. Statutory Authority: RCW 46.01.110, 46.16.135, 46.16.225, 46.16.490, 46.17.276, 00-09-008, § 308-96A-005, filed 4/6/00, effective 5/7/00. Statutory Authority: RCW 46.01.110, 97-10-003, § 308-96A-005, filed 4/24/97, effective 5/25/97. Statutory Authority: RCW 46.01.110, 1993 c 488 and chapter 46.12 RCW, 94-17-044, § 308-96A-005, filed 8/10/94, effective 9/10/94. Statutory Authority: RCW 46.01.110, 93-14-083, § 308-96A-005, filed 6/30/93, effective 7/31/93; 92-15-025, § 308-96A-005, filed 7/6/92, effective 8/6/92. Statutory Authority: RCW 43.17.060, 46.01.060, 46.16.070 and 46.16.135, 92-02-100, § 308-96A-005, filed 1/2/92, effective 2/2/92. Statutory Authority: RCW 46.01.110 and 46.16.335, 91-15-006, § 308-96A-005, filed 7/8/91, effective 8/8/91. Statutory Authority: RCW 46.16.600, 46.16.276 and 46.01.110, 87-12-023 (Order TL/RG-34), § 308-96A-005, filed 5/28/87. Statutory Authority: RCW 46.16.135, 46.16.225, 46.16.490 and 46.01.110, 86-10-040 (Order TL/RG 24), § 308-96A-005, filed 5/5/86; Order MV-355, § 308-96A-005, filed 5/10/76; Order MV-328, § 308-96A-005, filed 7/24/75.]

WAC 308-96A-015 Replacement certificate of registration—Documents required. (1) How do I obtain a replacement certificate of registration?

You obtain a replacement certificate of registration by applying, either in person or by mail, at a Washington vehicle licensing office and paying appropriate fees.

(2) When do I need to replace my certificate of registration?

You need to replace your certificate of registration if it is lost, stolen, destroyed, or mutilated.

(3) Who can apply for a replacement certificate of registration?

The registered owner must apply for a replacement certificate of registration. If there is more than one registered owner, one of the registered owners need apply for a replacement certificate of registration.

(4) What documentation do I need to apply for a replacement certificate of registration?

You need an affidavit of loss or letter of request describing the vehicle by Washington license plate or vehicle identification number. The affidavit of loss or letter of request must be signed by at least one of the registered owners. Identification will be required. The registered owner's signature must be either notarized by a notary public or certified by a Washington vehicle license agent or subagent.

(2007 Ed.)

(5) Where do I get an affidavit of loss?

An affidavit of loss/release of interest form may be obtained at a vehicle licensing office, by mail or by accessing the department's web site at www.wa.gov/dol.

[Statutory Authority: RCW 46.01.110, 46.16.135, 46.16.225 [46.16.225], 46.16.490, and 46.16.276, 01-17-017, § 308-96A-015, filed 8/3/01, effective 9/3/01; 98-19-075, § 308-96A-015, filed 9/21/98, effective 10/22/98. Statutory Authority: RCW 46.16.135, 46.16.225, 46.16.490 and 46.01.110, 86-10-040 (Order TL/RG 24), § 308-96A-015, filed 5/5/86; Order MV-328, § 308-96A-015, filed 7/24/75.]

WAC 308-96A-021 Replacement plates—Requirements. (1) How do I obtain replacement plate(s) for my current Washington plate(s)?

You obtain replacement plate(s) by applying:

- (a) Either in person; or
- (b) By mail, to a Washington vehicle licensing office; or
- (c) On-line through the department of licensing web page in conjunction with your registration renewal and seven-year replacement requirement.

(2) When do I need to replace my plate(s)?

You need to replace your plate(s) if:

- (a) Your plate(s) are lost, destroyed, or mutilated. For an additional fee, you may replace them with the same number/letter combination as long as the plate meets a current approved license plate configuration and background; or
- (b) Your plate(s) are stolen. You may not request the same number/letter combination (see the note at the end of this section); or
- (c) The primary use of your vehicle has changed requiring new plate(s) designated for the new use of the vehicle. Example: A passenger car used to transport commodities, merchandise, produce, freight or animals for commercial purposes may be licensed as a commercial use truck; or
- (d) Your vehicle license plates have reached the replacement cycle date established by this section by authority in RCW 46.16.233. For an additional fee, you may request the same number/letter combination as long as the plate meets a current approved license plate configuration and background.

(3) Who can apply for replacement plate(s)?

One of the registered owners must apply for replacement plate(s).

(4) What documentation do I need to apply for replacement plate(s)?

(a) If your plate(s) are lost, stolen (see note at end of this section), destroyed, or mutilated, you need to submit an affidavit of loss or letter of request describing the vehicle by Washington license plate or vehicle identification number. The affidavit of loss or letter of request must be signed by at least one of the registered owners. The registered owner's signature must be either notarized by a notary public or certified by an authorized employee of a Washington vehicle licensing office. A replacement plate fee will be charged. For an additional fee, the same number/letter combination may be requested as long as the plate meets a current approved license plate configuration and background.

(b) If the primary use of your vehicle has changed requiring new plate(s) designated for the new use of the vehicle, the department will replace the plate(s) without the affidavit of loss or letter of request. A new plate fee will be charged.

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(5) What if the department issued incorrect plate(s) for my vehicle?

When incorrect plate(s) have been issued due to departmental error, the department will replace the plate(s) without the affidavit of loss or letter of request. No replacement plate fee will be charged in this case.

(6) What is the replacement cycle date for my license plate? The replacement cycle date for your license plate is seven years from the date the license plate(s) were issued. Notification will be included on the renewal notice when it is necessary to replace the license plates for a vehicle.

(7) When I am required to replace special license plate(s) on a currently registered vehicle, will I receive the same license plate number/letter combination? Yes, for an additional fee, if you are replacing license plates on a currently registered vehicle, your license plates will be replaced with the same number/letter combination as shown on the vehicle computer record as long as the plate meets a current approved license plate configuration and background.

(8) What license plates are required to be replaced? Vehicles that have license plates seven years or older that include:

- (a) Standard issue;
- (b) Collegiate;
- (c) HAM/MARS;
- (d) Personalized;
- (e) Ride share;
- (f) Disabled person;
- (g) Disabled veterans;
- (h) Pearl Harbor survivors;
- (i) Purple heart;
- (j) Stadium;
- (k) Square dancer;
- (l) Honorary Consular;
- (m) Former prisoner of war;
- (n) Commercial plates issued to vehicles with a declared gross weight 26,000 pounds or under;
- (o) Special plate series created after January 1, 2003.

(9) What license plates are exempt from the replacement requirements?

- (a) Prorated vehicles over 16,000 pounds licensed under chapter 46.87 RCW;
- (b) Commercial vehicles with declared gross weight over 26,000 pounds under RCW 46.16.233;
- (c) Collector vehicle, horseless carriage vehicle and restored plates;
- (d) Plates issued to government agencies with exempt use class; and
- (e) Medal of Honor license plates.

Note: If the license plate has been reported as stolen or if the department record indicates the vehicle has been stolen, the same number/letter combination will not be issued.

[Statutory Authority: RCW 46.01.110, 46.16.135, 46.16.225, 46.16.490, 46.16.276. 04-08-079, § 308-96A-021, filed 4/6/04, effective 5/7/04. Statutory Authority: RCW 46.01.110. 03-05-080, § 308-96A-021, filed 2/19/03, effective 3/22/03. Statutory Authority: RCW 46.01.110, 46.16.135, 46.16.225 [46.16.225], 46.16.490 and 46.16.276. 98-19-075, § 308-96A-021, filed 9/21/98, effective 10/22/98. Statutory Authority: RCW 46.16.600, 46.16.276 and 46.01.110. 87-12-023 (Order TL/RG-34), § 308-96A-021, filed 5/28/87.]

WAC 308-96A-026 Vehicle transit permit. (1) What is a vehicle transit permit?

A vehicle transit permit is a document that authorizes an individual to operate a vehicle on a public highway of this state solely for the purpose of obtaining necessary documentation to complete an application for a Washington certificate of ownership or registration. Use of the vehicle is restricted to the reason(s) indicated on the permit.

(2) How may a vehicle transit permit be used?

A vehicle transit permit may be used to obtain:

- (a) A Washington state patrol inspection;
- (b) A scale weight slip;
- (c) An emission test; or
- (d) Any other purpose that the department deems necessary.

(3) Where do I obtain a vehicle transit permit?

You may obtain a vehicle transit permit from Washington vehicle licensing offices.

(4) How long is the vehicle transit permit valid?

The permit is valid only for the days shown on the permit and may not exceed two days. The two days do not need to be consecutive.

(5) What information is required to issue the vehicle transit permit?

- (a) Description of the vehicle for which the permit is issued, which may include make, model, model year, and vehicle identification number;
- (b) Name and address of person obtaining the permit;
- (c) Specific purpose for which the permit is issued;
- (d) The date or dates on which the permit is valid, for a maximum of two days;
- (e) Applicant's signature; and
- (f) Signature of vehicle licensing agent or issuing authority.

(6) How much does a vehicle transit permit cost?

There is no fee for the vehicle transit permit, however vehicle-licensing subagents charge a service fee.

[Statutory Authority: RCW 46.01.110. 05-13-118, § 308-96A-026, filed 6/20/05, effective 7/21/05. Statutory Authority: RCW 46.01.110, 46.16.125, 46.16.225, 46.16.276, 46.16.060, 46.16.600, 43.17.060. 04-08-002, § 308-96A-026, filed 3/24/04, effective 4/24/04. Statutory Authority: RCW 46.01.110, 46.16.135, 46.16.225 [46.16.225], 46.16.490, and 46.16.276. 01-17-017, § 308-96A-026, filed 8/3/01, effective 9/3/01; 98-19-075, § 308-96A-026, filed 9/21/98, effective 10/22/98. Statutory Authority: RCW 46.01.110. 92-15-025, § 308-96A-026, filed 7/6/92, effective 8/6/92. Statutory Authority: RCW 46.16.276. 86-23-045 (Order TL/RG 28), § 308-96A-026, filed 11/18/86.]

WAC 308-96A-046 Qualified veteran's free license.**(1) Who qualifies for the free licensing, authorized by RCW 73.04.110 and 46.16.305?**

- (a) Disabled American veterans and former prisoners of war, as defined in RCW 73.04.110;
- (b) A veteran awarded the Congressional Medal of Honor as defined in RCW 46.16.305; and
- (c) Surviving spouses of a deceased former prisoner of war as defined in RCW 73.04.115, who is named as a registered owner, including lessees, may register and receive regular or special license plates for one personal use vehicle. The personal use vehicle is exempt from the annual license tab fee as defined in RCW 46.16.0621. Other taxes and fees may apply.

(2) What vehicles are considered personal use vehicles? For purposes of this section, "personal use vehicle" means passenger vehicles in reference to disabled veteran's, prisoners of war and congressional medal of honor plates, means vehicles not used for commercial purposes including: Passenger vehicles, motor homes, motorcycles, and trucks with designated gross vehicle weight not exceeding twelve thousand pounds. Registration ownership must be in the name of the individual and not in the business name.

(3) Will I be subject to other taxes and fees? Yes, other taxes and fees may apply depending on the type of license plate requested and where you live.

(4) What must be provided to qualify for a veteran's free license? If the applicant is:

(a) A disabled American veteran, must provide a letter of eligibility from the Federal or Washington state veteran's administration or the branch of military service from which the veteran was discharged confirming disability under RCW 73.04.110 with the license plate application.

(b) A former prisoner of war or a veteran awarded the Congressional Medal of Honor must provide a confirmation of eligibility from the Federal or Washington state veteran's administration or the branch of military service from which the veteran was discharged.

(c) The surviving spouse of a deceased former prisoner of war may be issued a regular or special prisoner of war license plate even if the deceased had not been issued a plate under RCW 73.04.115 even if the deceased had not been issued a plate under RCW 73.04.110. In addition to confirming eligibility, the surviving spouse must furnish the following:

(i) A copy of the death certificate of the deceased former prisoner of war; and

(ii) An affidavit that the applicant is not currently married.

(5) May I transfer my veteran license plate to another qualifying vehicle? Yes, you may transfer your veteran license plates by notifying the department and paying the appropriate transfer fees in effect.

(6) If I choose to keep the vehicle from which the veteran license plate was removed, do I need to register it? Yes, if you choose to continue to use the vehicle on the highway, the vehicle must be registered under chapter 46.16 RCW.

(7) How do I dispose of the veteran license plate if I no longer qualify? The veteran license plate must be disposed of as required by WAC 308-96A-098.

[Statutory Authority: RCW 46.01.110, 46.16.335, 46.12.070, 46.16.276, 02-16-071, § 308-96A-046, filed 8/6/02, effective 9/6/02. Statutory Authority: RCW 46.01.110, 46.16.276 and 43.17.060, 00-01-151, § 308-96A-046, filed 12/21/99, effective 1/21/00. Statutory Authority: RCW 46.01.110, 97-07-013, § 308-96A-046, filed 3/11/97, effective 4/11/97. Statutory Authority: RCW 43.17.060, 46.01.060, 46.16.070 and 46.16.135, 92-02-100, § 308-96A-046, filed 1/2/92, effective 2/2/92. Statutory Authority: RCW 46.01.110 and 46.12.070, 91-04-025, § 308-96A-046, filed 1/29/91, effective 3/1/91. Statutory Authority: RCW 46.01.110 and 46.16.276, 1987 c 98 § 1 and RCW 73.04.110 as amended by 1987 c 98 § 2, 88-01-010 (Order TL/RG 39), § 308-96A-046, filed 12/7/87. Statutory Authority: RCW 46.01.110, 85-15-059 (Order TL-RG-14), § 308-96A-046, filed 7/17/85. Statutory Authority: RCW 46.01.110 and 46.16.600, 84-21-130 (Order TL/RG-9), § 308-96A-046, filed 10/24/84. Formerly WAC 308-96A-045.]

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WAC 308-96A-047 Cooper Jones/Share the Road license plate emblems affixed to license plates. (1) **Where do I order the Cooper Jones/Share the Road license plate emblem?** You order them from the Washington state department of printing's general store located at www.prt.wa.gov or by mail to Department of Printing, P.O. Box 798, Olympia, WA 98507-0798.

(2) Who may purchase the emblems? Anyone may purchase as many emblems as they choose.

(3) Is there a fee for the plate emblems? A fee will be charged for **each set of** emblems described under RCW 46.16.333.

(4) Are there vehicles that may not bear the Cooper Jones/Share the Road emblems? Yes, those vehicles excluded under chapter 46.87 RCW, nonmotorized, and one-plated vehicles.

(5) How shall I affix my Cooper Jones/Share the Road license plate emblem to my license plate? In addition to requirements and limitations in RCW 46.16.327, the "SHARE THE ROAD" portion of the emblem set shall be displayed between the bottom license plate bolt holes of the front or rear license plate.

(6) Do I have to affix my Cooper Jones/Share the Road emblem to a license plate? No. There are no restrictions regarding placement of the emblem other than the license plate, or except where the law stipulates you may not obstruct the driver's view.

[Statutory Authority: RCW 46.01.110, 03-05-080, § 308-96A-047, filed 2/19/03, effective 3/22/03.]

WAC 308-96A-048 Distribution of the first twenty-five sequential special license plates. (1) **What is required for obtaining the distribution of the first twenty-five sequential plates of each special license plate series?**

(a) The organizational sponsor liaison that signed the original special license plate series application (or their successor) may submit a list of registered owners and vehicle information to be recipients of up to the first twenty-five special license plates issued. Only vehicles required to display two license plates may be considered. The list must be submitted to the vehicle services special plate manager at least one month before the release date of the initial plate series. Plates will be issued in sequential order in the order specified on the list.

(b) If fewer than twenty-five names are provided on the list, the remainder of those plates will be made available to other applicants in sequential order.

(c) All applicable fees and taxes, as well as any required documentation, are due and must be submitted for each individual vehicle when the plates are issued.

(2) Where and when are the plates distributed? The license plates will only be distributed from the Olympia headquarters vehicle licensing office and only on the first release date of the new special license plate series.

(3) Who may pick up the plates? The registered owner or a person authorized by the registered owner may take delivery of the special license plates.

(4) Are there restrictions on issuing the special plates? Yes, the first twenty-five special plates will only be issued to Washington valid licensed vehicles requiring two license plates.

[Statutory Authority: RCW 46.01.110, 05-01-001, § 308-96A-048, filed 12/1/04, effective 1/3/05.]

WAC 308-96A-050 Nonresident members of the armed forces—Plates displayed. (1) **What license plates must be displayed on a vehicle registered to a nonresident military person assigned to duty in Washington?** Nonresident military personnel assigned to duty in Washington may display on their vehicle either:

(a) License plates issued from their official home of record (state of bona fide residence); or

(b) License plates issued from a foreign jurisdiction other than their official home of record until such time as that license registration is expired; or

(c) Washington license plates.

After expiration of registration from a jurisdiction other than Washington you may maintain your registration in your home of record or obtain a Washington registration.

(2) **How long may I drive in Washington using my USA or European USA Registration (EUSAR) registration and license plates after the vehicle returns to the United States from a foreign country?** Military personnel are to reregister their vehicle within thirty days of return to the United States.

[Statutory Authority: RCW 46.01.110, 46.16.335, 46.12.070, 46.16.276, 02-16-071, § 308-96A-050, filed 8/6/02, effective 9/6/02. Statutory Authority: RCW 46.01.110, 46.16.276 and 43.17.060, 00-01-151, § 308-96A-050, filed 12/21/99, effective 1/21/00. Statutory Authority: RCW 46.16.135, 46.16.-225, 46.16.490 and 46.01.110, 86-10-040 (Order TL/RG 24), § 308-96A-050, filed 5/5/86; Order MV-355, § 308-96A-050, filed 5/10/76; Order MV-328, § 308-96A-050, filed 7/24/75.]

WAC 308-96A-056 Pearl Harbor survivor license plates. (1) **Who is eligible to receive Pearl Harbor survivor license plates?** Pearl Harbor survivor license plates may be issued to qualified applicants as authorized in RCW 46.16.305(4).

(2) **What documentation does a Pearl Harbor survivor or surviving spouse need to submit to obtain Pearl Harbor survivor license plates?**

(a) The Pearl Harbor survivor association certification required by RCW 46.16.305 (4)(e).

(b) Surviving spouses must also submit a copy of the death certificate and an affidavit that the spouse is not remarried.

(3) **May the spouse of a deceased Pearl Harbor survivor keep the Pearl Harbor survivor license plates?** Yes. To keep the Pearl Harbor survivor license plates, the surviving spouse must provide a copy of the Pearl Harbor survivor's death certificate and an affidavit that the spouse is not remarried in addition to the requirements of RCW 46.16.305(4).

(4) **When I am required to replace my Pearl Harbor survivor license plate, will I receive the same license plate number/letter combination?** Yes. Upon request you will receive replacement Pearl Harbor survivor license plates with the same number/letter combination as shown on the vehicle computer record.

[Statutory Authority: RCW 46.01.110, 46.16.335, 46.12.070, 46.16.276, 02-16-071, § 308-96A-056, filed 8/6/02, effective 9/6/02. Statutory Authority: RCW 46.01.110, 46.16.276 and 43.17.060, 00-01-151, § 308-96A-056, filed 12/21/99, effective 1/21/00. Statutory Authority: RCW 46.01.110, 97-07-013, § 308-96A-056, filed 3/11/97, effective 4/11/97. Statutory Authority: RCW 46.01.110 and 46.12.070, 91-04-025, § 308-96A-056, filed 1/29/91,

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effective 3/1/91. Statutory Authority: RCW 46.01.100, 46.16.276 and 1987 c 44, 88-01-010 (Order TL/RG 39), § 308-96A-056, filed 12/7/87.]

WAC 308-96A-057 Purple Heart license plates. (1) **Under what authority does the department issue Purple Heart license plates?** The department issues Purple Heart license plates, under the authority of RCW 46.16.305 as written prior to 1990. Washington state law allowed the department to issue special license plate series denoting the age or type of vehicle or denoting special activities or interest, status, or contribution or sacrifice for the United States, the state of Washington, or citizens of the state of Washington, of a registered owner of that vehicle. The Washington legislature amended the law in 1990 allowing the department to continue issuing special license plates authorized under the law as it was before it was amended.

(2) **Who may receive Purple Heart license plates?** Any Washington resident who:

(a) Has been awarded a Purple Heart medal by any branch of the United States Armed Forces, including the Merchant Marines and the Women's Air Forces Service Pilots;

(b) Was wounded during one of this nation's wars or conflicts identified in RCW 41.04.005; and

(c) Is an owner, co-owner, lessee, or co-lessee of a vehicle requiring two license plates.

(3) **What documentation does a Purple Heart recipient need to submit to obtain Purple Heart license plates?** Purple Heart recipients applying for these license plates must submit:

(a) An application for Purple Heart license plates; and

(b) A copy of the armed forces document showing the recipient was awarded the Purple Heart medal.

(4) **May the spouse of a deceased Purple Heart recipient keep the Purple Heart license plates?** Yes. To keep the Purple Heart license plates the surviving spouse must provide:

(a) A copy of the Purple Heart recipient's death certificate; and

(b) An affidavit that the spouse has not remarried; and

(c) If the surviving spouse remarries, the Purple Heart special license plate is invalid and must be removed from the vehicle.

(5) **When I am required to replace my Purple Heart license plate, will I receive the same license plate number/letter combination?** Yes. Upon request you will receive replacement Purple Heart license plates with the same number/letter combination as shown on the vehicle computer record.

[Statutory Authority: RCW 46.01.110, 46.16.335, 46.12.070, 46.16.276, 02-16-071, § 308-96A-057, filed 8/6/02, effective 9/6/02. Statutory Authority: RCW 46.01.110, 46.16.276 and 43.17.060, 00-01-151, § 308-96A-057, filed 12/21/99, effective 1/21/00. Statutory Authority: RCW 46.01.110, 97-07-013, § 308-96A-057, filed 3/11/97, effective 4/11/97; 93-14-083, § 308-96A-057, filed 6/30/93, effective 7/31/93. Statutory Authority: RCW 46.01.110 and 46.16.335, 91-15-006, § 308-96A-057, filed 7/8/91, effective 8/8/91.]

WAC 308-96A-062 Transfer or destruction of honorary consul special license plates. (1) **Are honorary consul special license plates transferable?** Yes, they are transferable to another motor vehicle owned or leased by the honor-

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ary consular, however, the special license plates may not be transferred to anyone else.

(2) **How are honorary consul special license plates transferred to another vehicle?** The honorary consul must submit a request to the department to transfer the plates to another vehicle and pay a transfer fee as provided in RCW 46.16.316 in addition to all other applicable fees and taxes.

(3) **How are honorary consul special license plates replaced if they become lost, destroyed, mutilated or stolen?** The honorary consular must submit a request to the department for replacement license plates and pay a replacement plate fee as provided in chapter 46.16 RCW in addition to all other applicable fees and taxes.

(4) **What do I do with the honorary consul special license plates if I sell or otherwise dispose of the vehicle?** The plates must be either:

(a) Removed from the vehicle and immediately forwarded to the department; or

(b) Transferred to another vehicle as provided in subsection (1) of this section.

[Statutory Authority: RCW 46.01.1110, 46.16.135, 46.16.225, 46.16.490, 46.17.276, 02-17-024, § 308-96A-062, filed 8/12/02, effective 9/12/02. Statutory Authority: RCW 46.01.110 and 46.16.276, 99-22-058, § 308-96A-062, filed 11/1/99, effective 12/2/99. Statutory Authority: RCW 46.16.301 and [46.16].371, 95-17-127, § 308-96A-062, filed 8/23/95, effective 9/23/95. Statutory Authority: RCW 46.01.110, 46.16.276 and 1987 c 237, 88-01-010 (Order TL/RG 39), § 308-96A-062, filed 12/7/87.]

WAC 308-96A-064 Transfer or loss/destruction of foreign organization special license plates. (1) **Are foreign organization special license plates transferable?** Yes, they are transferable to another motor vehicle owned or leased by the representative of the foreign organization; however, the special license plates may not be transferred to anyone else.

(2) **How are foreign organization special license plates transferred to another vehicle?** Submit a request to the department to transfer the plates to another vehicle and pay a transfer fee as provided in RCW 46.16.316 in addition to all other applicable fees and taxes.

(3) **How are foreign organization special license plates replaced if they become lost, destroyed, mutilated, or stolen?** The representative of the foreign organization must submit a request to the department for replacement license plates and pay a replacement plate fee as provided in chapter 46.16 RCW in addition to all other applicable fees and taxes.

(4) **When I am required to replace my foreign organization special license plates, will I receive the same license plate number/letter combination?** Yes. Upon request you will receive replacement foreign organization special license plates with the same number/letter combination as shown on the vehicle computer record.

(5) **What do I do with the foreign organization special license plates if I sell or otherwise dispose of the vehicle?** The plates must be removed and either:

(a) Transferred to another vehicle owned or leased by the plate holder of the foreign organization and/or immediately forwarded to the department; or

(b) Transferred to another vehicle as provided in subsection (1) of this section.

(6) **How are foreign organization special license plates disposed of?** The plates must be removed by the rep-

resentative of the foreign organization and immediately forwarded to the department.

[Statutory Authority: RCW 46.01.1110, 46.16.135, 46.16.225, 46.16.490, 46.17.276, 02-17-024, § 308-96A-064, filed 8/12/02, effective 9/12/02. Statutory Authority: RCW 46.01.110 and 46.16.276, 99-22-058, § 308-96A-064, filed 11/1/99, effective 12/2/99. Statutory Authority: RCW 46.01.110 and 1996 c 139, 96-21-044, § 308-96A-064, filed 10/11/96, effective 11/11/96.]

WAC 308-96A-065 Personalized license plates. (1) **What is a personalized license plate?** Personalized license plates are plates reflecting the registered owner's chosen format or designation and are limited to those described in RCW 46.16.560, 46.16.570 and 46.16.580.

(2) **Are there any restrictions on the use of letters and numbers on personalized license plates?** Personalized license plates may be issued with one to seven characters. Motorcycles and motorcycle trailers can have up to six characters. The letters "I" and "O" and the numbers "1" (one) and "0" (zero) may not be issued as single-digit plates.

(3) **When may the department deny an application for or cancel personalized plates?**

(a) The department may deny an application for personalized license plates or cancel personalized license plates previously issued if it determines the plate configuration to be:

- (i) Offensive to good taste and decency;
- (ii) Potentially misleading;
- (iii) Vulgar, profane or sexually suggestive in nature;
- (iv) A racial, ethnic, lifestyle or gender slur;
- (v) Related to alcohol or to illegal activities or substances;
- (vi) Blasphemous;
- (vii) Derogatory;
- (viii) Slanderous;
- (ix) A duplication of license plate or decal numbers provided in chapter 46.09, 46.10 or 46.16 RCW; or
- (x) Contrary to the department's mission to promote highway safety.

(b) If the personalized license plates are canceled due to one or more reasons specified in subsection (3) of this section, the vehicle owner may:

- (i) Apply for a refund for the fee paid under RCW 46.16.585 and 46.16.606 for such license plates; or
- (ii) Instead of a refund, apply for and upon approval be issued personalized license plates with a different configuration without payment of additional personalized license plate fees.

(c) The department may cancel personalized license plates if they are:

- (i) Not renewed by the owner within forty-five days of the vehicle expiration; or
- (ii) Removed from a vehicle and not transferred to a replacement vehicle within thirty days; or
- (iii) Transferred to a new owner who does not make proper application for the plates within twenty-five days.

(4) **If my registration for personalized license plates has elapsed, how do I get them reinstated or reissued?**

(a) If you are an owner of a personalized license plate and do not renew it within forty-five days, you must reapply and pay the original personalized license plate fee in order to reinstate the plate.

(b) If you purchase a vehicle with a personalized plate and do not transfer the ownership of the personalized plate within twenty-five days, you forfeit ownership of the plate. The department will make that personalized plate available to the first applicant for that plate configuration.

(c) If you are the owner of a personalized license plate who does not transfer the plate as described in subsection (4)(b) of this section, you must reapply and pay the original personalized license plate fee in order to reinstate the plate.

(5) **Can I transfer my personalized license plate?** Yes, if you are the owner(s) of a vehicle with personalized license plates and sell, trade or otherwise transfer ownership of the vehicle, you may transfer the plates to another vehicle within thirty days; (the personalized license plates may be transferred at any vehicle licensing office or through a vehicle dealer if the owner wishes to transfer a plate to a dealer-purchased vehicle) or transfer the plates to a new owner. If the plates are transferred to a new owner, the current owner must provide the new owner with a notarized/certified release of interest for the plates. The new owner must make application to the department within twenty-five days, including payment of the original personalized license plate fee.

(6) **How do I dispose of my personalized vehicle license plates?**

(a) You may turn the plates in to the department with a notarized release of interest from the owner(s) relinquishing the right to that personalized license plate configuration; or

(b) If your vehicle has personalized license plates and is sold to a wrecker or you accept a total loss claim from your insurance company and you choose not to retain the salvage, you must either transfer the plates to another vehicle within thirty days or turn the plates in to the department with a notarized release of interest from all registered owner(s) relinquishing the right to that personalized license plate.

(7) **Will I ever have to replace my personalized vehicle license plate?** Yes, the personalized license plates are subject to the seven-year vehicle license plate replacement schedule.

[Statutory Authority: RCW 46.01.110, 46.16.335, 46.16.276. 01-10-069, § 308-96A-065, filed 4/30/01, effective 5/31/01. Statutory Authority: RCW 46.01.110 and 46.16.335. 98-09-024, § 308-96A-065, filed 4/8/98, effective 5/9/98; 91-15-006, § 308-96A-065, filed 7/8/91, effective 8/8/91. Statutory Authority: RCW 46.16.276 and 46.16.600. 88-12-043 (Order TL/RG 41), § 308-96A-065, filed 5/27/88. Statutory Authority: RCW 46.16.600, 46.16.276 and 46.01.110. 87-12-023 (Order TL/RG-34), § 308-96A-065, filed 5/28/87. Statutory Authority: RCW 46.01.110 and 46.16.600. 84-21-130 (Order TL/RG-9), § 308-96A-065, filed 10/24/84; Order MV-328, § 308-96A-065, filed 7/24/75.]

WAC 308-96A-070 Amateur radio operator special license plates. (1) **Who may apply for amateur radio operator vehicle special license plate(s)?** Any person having a valid amateur radio operator's license may apply to the department for license plates bearing the official amateur radio call letters assigned by the Federal Communications Commission (FCC). These plates are in lieu of regular issue license plates. The department will issue only one set of plates at any one time carrying these call letters.

(2) **What documents are required to receive an amateur radio operator vehicle special license plate?** In addition to all other license fees required by law, the amateur radio operator must attach a copy of the current FCC license

to the application. The operator must notify the department when the FCC license is canceled or expires and whether or not the operator has renewed the license. If the license has been renewed, the operator must send a copy of the new FCC license to the department.

(3) **How will the amateur radio operator license plates be displayed?** The amateur radio operator license plates must be displayed on a motor vehicle owned by the amateur radio operator unless the plates were issued and assigned to a vehicle prior to January 1, 1991. Prior to the January 1, 1991, date, the amateur radio operator license plates are allowed to be installed on any motor vehicle qualified under RCW 46.16.305.

(4) **Are there any special fees required to obtain the amateur radio operator license plates?** In addition to all other license fees required by law, each applicant for amateur radio operator license plates must pay an additional license plate fee of five dollars for the plate and applicable fees as stated in RCW 46.16.316 any time the plates are transferred to another vehicle.

(5) **When are the amateur radio operator special license plates canceled?** The effective date of the plate cancellation is the date the FCC license becomes invalid. Reinstatement of the plates requires the amateur radio operator to reapply for the plates, providing a copy of the valid FCC license and paying the five-dollar fee for a new plate and applicable fees as stated in RCW 46.16.316.

(6) **Will I ever have to exchange my amateur radio operator special license plates?** Yes, the department has determined that all license plates be replaced on a seven-year vehicle license rotation schedule; however, your amateur radio operator special license plates will be issued with your official call letters and numbers assigned to you by the F.C.C.

[Statutory Authority: RCW 46.01.110 and 46.16.316. 04-18-023, § 308-96A-070, filed 8/24/04, effective 9/24/04. Statutory Authority: RCW 46.01.110, 46.16.335, 46.16.276. 01-10-069, § 308-96A-070, filed 4/30/01, effective 5/31/01. Statutory Authority: RCW 46.01.110 and 46.16.335. 98-09-024, § 308-96A-070, filed 4/8/98, effective 5/9/98. Statutory Authority: RCW 46.01.110 and 46.12.070. 91-04-025, § 308-96A-070, filed 1/29/91, effective 3/1/91; Order MV-328, § 308-96A-070, filed 7/24/75.]

WAC 308-96A-071 Military affiliate radio system special license plates. (1) **Who may apply for the military affiliate radio system station special license plates?** Any person having a valid military affiliate radio system (MARS) station license may apply to the department for license plates bearing the official MARS call letters assigned by the Department of Defense. These plates are in lieu of regular issue license plates. The department will issue only one set of plates at any one time carrying these call letters and can only be displayed on a motor vehicle registered to the MARS station license holder.

(2) **Can a MARS special license plate be issued for my motorcycle?** No. Motorcycle license plates accommodate a maximum of six characters. MARS call letters consist of seven characters.

(3) **What documents are required to receive MARS special license plates?** In addition to all other license fees required by law, an applicant for MARS license plates must attach a copy of the current official MARS station license authorized by the Department of Defense and issued by the United States Army, Air Force, or Navy/Marine Corps. The

recipient of these plates must notify the department when the MARS station license has been canceled.

(4) Are there any special fees required to obtain the MARS license plates? In addition to all other license fees required by law, each applicant for MARS license plates must pay an additional license plate fee of five dollars for the plate and applicable fees as stated in RCW 46.16.316 any time the plates are transferred to another vehicle.

(5) When are the MARS license plates canceled? The effective date of a plate cancellation is the date the MARS station license becomes invalid. Reinstatement of the plates requires the MARS station license holder to reapply for the plates, providing a copy of the valid MARS license and paying the five-dollar fee for a new plate and applicable fees as stated in RCW 46.16.316.

(6) Will I ever have to exchange my MARS license plates? Yes, the department has determined that all license plates be replaced on a seven-year vehicle license rotation schedule; however, your MARS license plates will be issued with your official call letters and numbers assigned to you by the F.C.C.

[Statutory Authority: RCW 46.01.110 and 46.16.316. 04-18-023, § 308-96A-071, filed 8/24/04, effective 9/24/04. Statutory Authority: RCW 46.01.110, 46.16.335, 46.16.276. 01-10-069, § 308-96A-071, filed 4/30/01, effective 5/31/01. Statutory Authority: RCW 46.01.110 and 46.16.335. 98-09-024, § 308-96A-071, filed 4/8/98, effective 5/9/98; 91-15-006, § 308-96A-071, filed 7/8/91, effective 8/8/91.]

WAC 308-96A-072 Square dancer license plates. (1) Who may apply for square dancer license plates? A registered owner of a vehicle may apply to the department and receive, in lieu of regular vehicle license plates, special square dancer license plates bearing a symbol of square dancers.

(2) What vehicles may display square dancer license plates? Square dancer license plates may be issued for vehicles required to display two license plates, except those vehicles licensed under the provisions of chapter 46.87 RCW.

(3) Are special license fees required for square dancer license plates? A special license plate fee of forty dollars, in addition to all other appropriate fees and taxes, is collected for each set of square dancer license plates issued.

(4) How does the department define "current license plate registration"? For the purposes of this section, a current license plate registration is defined as: A registration that has not expired or a registration where it is less than one year past the expiration date.

(5) Will I ever have to replace my square dancer license plates? Yes, the department has determined that all license plates be replaced on a seven-year replacement schedule. In addition to the license plate replacement fee, you may pay an additional plate retention fee to retain the same number/letter combination as shown on the current vehicle computer record as long as the plate meets a current approved license plate configuration and background.

Note: If the license plate has been reported as stolen or if the department record indicates the vehicle has been stolen, the same number/letter combination will not be issued.

[Statutory Authority: RCW 46.01.110, 46.16.135, 46.16.225, 46.16.490, 46.16.276. 04-08-079, § 308-96A-072, filed 4/6/04, effective 5/7/04. Statutory Authority: RCW 46.01.110, 46.16.335, 46.16.276. 01-10-069, § 308-96A-072, filed 4/30/01, effective 5/31/01. Statutory Authority: RCW (2007 Ed.)

46.01.110 and 1997 c 291. 98-01-151, § 308-96A-072, filed 12/22/97, effective 1/22/98. Statutory Authority: RCW 46.01.110. 97-07-013, § 308-96A-072, filed 3/11/97, effective 4/11/97; 93-14-083, § 308-96A-072, filed 6/30/93, effective 7/31/93.]

WAC 308-96A-073 Antique vehicle—Horseless carriage license plate. (1) What vehicles qualify for a horseless carriage license plate? Any motor vehicle which is:

- (a) At least forty years old; and
- (b) Capable of being operated upon the highway; and
- (c) Currently registered in Washington; and
- (d) Operated primarily as a collector vehicle under RCW 46.16.307.

(2) How is a horseless carriage license plate displayed? The horseless carriage license plate must be displayed on the rear of the vehicle for which it was issued.

(3) If I sell my vehicle may I keep my horseless carriage license plate? Yes. You may keep the license plate but it is not transferrable to any other motor vehicle.

(4) What additional fees are required to obtain a horseless carriage license plate? In addition to all other license fees required by law, the applicant must pay an additional license fee of thirty-five dollars for this horseless carriage license plate.

(5) Are horseless carriage license plates subject to periodic replacement? No, the horseless carriage license plates are exempt from the vehicle license plate replacement schedule.

[Statutory Authority: RCW 46.01.110, 46.16.335, 46.12.070, 46.16.276. 02-16-071, § 308-96A-073, filed 8/6/02, effective 9/6/02. Statutory Authority: RCW 46.01.110, 46.16.335, 46.16.276. 01-10-069, § 308-96A-073, filed 4/30/01, effective 5/31/01. Statutory Authority: RCW 46.01.110 and 46.16.335. 98-09-024, § 308-96A-073, filed 4/8/98, effective 5/9/98. Statutory Authority: RCW 46.01.110. 97-07-014, § 308-96A-073, filed 3/11/97, effective 4/11/97. Statutory Authority: RCW 46.01.110 and 46.12.070 [46.16.335]. 91-04-025, § 308-96A-073, filed 1/29/91, effective 3/1/91.]

WAC 308-96A-074 Collector vehicle and restored license plates. (1) What is a collector vehicle license plate?

For the purposes of this section a collector vehicle license plate is a special license plate indicating "Collector Vehicle." The smaller size collector vehicle license plate is available for motorcycles. Collector vehicle owners must conform to the rules under RCW 46.16.307.

(2) What vehicles qualify for a collector vehicle license plate? Any motor vehicle which is:

- (a) More than thirty years old; and
- (b) Capable of being operated upon the highway; and
- (c) Currently registered in Washington; and
- (d) Operated primarily as a collector vehicle.

(3) How is a collector vehicle license plate to be displayed? The collector vehicle license plate must be displayed on the rear of the vehicle for which it was issued. The collector vehicle license plate is not transferable to any other motor vehicle, but may stay with that vehicle upon transfer of ownership.

(4) What additional fees are required to obtain a collector vehicle license plate? In addition to all other license fees required by law, the applicant must pay an additional license fee of thirty-five dollars for this collector vehicle license plate.

(5) Are collector vehicle license plate(s) required to be replaced under RCW 46.16.233? No, the collector vehicle

license plates are exempt from the periodic vehicle license plate replacement schedule.

(6) **What is a "restored license plate"?** A restored license plate is a Washington state issued license plate designated for general use in the year of the vehicle's manufacture. The restored license plate may not be a specialized license plate. The restored license plate may be used instead of a collector vehicle license plate or horseless carriage license plate. The license plate must be restored to such a condition that it may be identified with its year of issue. Reproductions of the original are not acceptable for use as a restored license plate.

(7) **How is a restored license plate to be displayed?** The owner must display a single plate on the rear of the vehicle. If the vehicle owner has two identical license plates, the second license plate may be displayed on the front of the vehicle or on another vehicle.

(8) **If I sell my vehicle may I keep my restored license plate?** Yes. The restored plate(s) may be reassigned to another qualifying vehicle.

(9) **May I replace my restored license plate with another restored license plate?** Yes, however, your vehicle record must be updated to reflect the new plate number before it is displayed on the vehicle.

(10) **What additional fees are required to have a restored license plate assigned to my vehicle?** In addition to all other title and license fees required by law, you must pay an additional license fee of thirty-five dollars for the restored plate to be assigned to your vehicle. At the time a restored plate is assigned to a vehicle, the department will require the certificate of ownership be submitted if that vehicle does not already have a "title purpose only" number.

(11) **Will I be able to apply for a refund of fees I have paid if I decide to change my restored use plate to a regular issue plate?** No. There is no provision in the law to issue a refund should you decide to change to a regular issue plate.

(12) **May I apply the fees I paid for my restored plate towards the purchase of regular issued plates?** No. Full fees must be paid for the new plates.

[Statutory Authority: RCW 46.01.110, 46.16.135, 46.16.225, 46.16.490, 46.16.276, 04-08-079, § 308-96A-074, filed 4/6/04, effective 5/7/04. Statutory Authority: RCW 46.01.110, 46.16.335, 46.12.070, 03-05-082, § 308-96A-074, filed 2/19/03, effective 3/22/03. Statutory Authority: RCW 46.01.110, 46.16.335, 46.12.070, 46.16.276, 02-16-071, § 308-96A-074, filed 8/6/02, effective 9/6/02. Statutory Authority: RCW 46.01.110, 46.16.335, 46.16.276, 01-10-069, § 308-96A-074, filed 4/30/01, effective 5/31/01. Statutory Authority: RCW 46.01.110 and 46.16.335, 98-09-024, § 308-96A-074, filed 4/8/98, effective 5/9/98. Statutory Authority: RCW 46.01.110, 97-07-014, § 308-96A-074, filed 3/11/97, effective 4/11/97. Statutory Authority: RCW 46.01.110 and 46.12.070 [46.16.335], 91-04-025, § 308-96A-074, filed 1/29/91, effective 3/1/91.]

WAC 308-96A-076 Law enforcement memorial special vehicle license plate series. (1) When ownership of a vehicle issued a law enforcement memorial license plate(s) changes, what happens to the plate(s)? The special license plate owner may relinquish the plate(s) to the new vehicle owner or remove the plate(s) from the vehicle for transfer to a replacement vehicle. License plate transfer fees apply.

(2) **Will any new fees be charged when the law enforcement memorial license plate(s) are transferred?** If the registration expiration date for the new vehicle is later than registration expiration date of the previous vehicle, an

additional fee for the law enforcement memorial license plate will be charged at the rate of one-twelfth of the annual law enforcement memorial license plate(s) fee for each additional month and partial month beyond the registration expiration date of the previous vehicle. If the new registration expiration date is sooner than the previous registration expiration date, a refund will not be made for the remaining registration period.

(3) **May law enforcement memorial license number plates be replaced with the same number if they become lost, defaced, or destroyed?** Yes. Upon the loss, defacement, or destruction of one or both plate(s), the owner must make application for new law enforcement memorial or other license plate(s) and pay the fees described in RCW 46.16.270. See subsection (5) of this section.

(4) **Are law enforcement memorial license plate(s) subject to the vehicle license plate replacement schedule?** Yes, the law enforcement memorial license plate(s) are subject to the mandatory vehicle license plate replacement schedule in WAC 308-96A-021(8).

(5) **When replacing law enforcement memorial license plate(s), is same license plate number/letter combination issued?** Yes. If the vehicle owner requests and pays the fees in RCW 46.16.233, the law enforcement memorial license plate(s) will be replaced with the same number/letter combination as shown on the vehicle computer record.

(6) **Will my license plates that have been reported stolen be replaced with new license plates with the same number/letter combination?** If the license plate(s) have been reported as stolen or if the department record indicates the plate has been stolen, the same number/letter combination will not be issued. This is a law enforcement issue for the protection of the public.

[Statutory Authority: RCW 46.16.316, 05-01-003, § 308-96A-076, filed 12/1/04, effective 1/3/05.]

WAC 308-96A-078 Professional fire fighters and paramedics special vehicle license plate series. (1) Who may apply for the professional fire fighters and paramedics (PFFP) license plate(s)? Only members of the Washington state council of fire fighters who are indicated on the vehicle record as a registered or coregistered owner of a vehicle may apply. The professional fire fighters and paramedics license plate(s) will be issued upon proof of eligibility and receipt of all applicable fees.

(2) **What must be provided as proof that the applicant is a current member to the Washington state council of fire fighters (WSCFF)?** A member of the Washington state council of fire fighters must provide a current letter from the WSCFF and either a valid Washington state drivers license or identification card, or International Federation of Fire Fighters identification showing current membership.

(3) **When is proof of WSCFF membership required?** Upon initial application or vehicle registration renewal.

(4) **When ownership of a vehicle issued professional fire fighters and paramedics license plate(s) is transferred, what happens to the plate(s)?** The special license plate owner must remove the plate(s) from the vehicle. The plate owner may transfer the special plate(s) to a replacement vehicle. License plate transfer fees apply.

(5) **Will any new fees be charged when the professional fire fighters and paramedics license plate(s) are**

sold, traded, or otherwise transferred? If the registration expiration date for the new vehicle is later than registration expiration date of the previous vehicle, an abated fee for the professional fire fighters and paramedics license plate will be charged at the rate of one-twelfth of the annual professional fire fighters and paramedics license plate(s) fee for each succeeding month and partial month. If the new registration expiration date is sooner than the previous registration expiration date, a refund will not be made for the remaining registration period.

(6) Will professional fire fighters and paramedics license plate(s) ever need replacing? Yes, the professional fire fighters and paramedics license plate(s) are subject to the mandatory vehicle license plate replacement schedule.

(7) When replacing professional fire fighters and paramedics license plate(s), is same license plate number/letter combination issued? Yes. If the vehicle owner requests and pays the fees described in RCW 46.16.233, the professional fire fighters and paramedics license plate(s) may be replaced with the same number/letter combination as shown on the vehicle computer record.

(8) Will my license plates that have been reported stolen be replaced with new license plates with the same number/letter combination? If the license plate(s) has been reported as stolen or if the department record indicates the plate has been stolen, the same number/letter combination will not be issued. This is a law enforcement issue and is for the protection of the public.

[Statutory Authority: RCW 46.16.316. 05-01-002, § 308-96A-078, filed 12/1/04, effective 1/3/05.]

WAC 308-96A-079 Helping Kids Speak special vehicle license plate series. (1) **When ownership of a vehicle issued "Helping Kids Speak license plate(s)" is sold, traded, or otherwise transferred, what happens to the plate(s)?** The special license plate owner may relinquish the plate(s) to the new vehicle owner or remove the plate(s) from the vehicle for transfer to a replacement vehicle. License plate transfer fees apply.

(2) Will any new fees be charged when the Helping Kids Speak license plate(s) are transferred? If the registration expiration date for the new vehicle is later than registration expiration date of the previous vehicle the fee for the Helping Kids Speak plate will be charged at the rate of one-twelfth of the annual Helping Kids Speak plate(s) fee for each exceeding month and partial month. If the new registration expiration date is sooner than the previous registration expiration date, a refund will not be made for the remaining registration period.

(3) May Helping Kids Speak license number plates be replaced with the same number if they become lost, defaced, or destroyed? Yes. Upon the loss, defacement, or destruction of one or both Helping Kids Speak license plate(s), the owner must make application for new Helping Kids Speak or other license plate(s) and pay the fees described in RCW 46.16.270. See note following subsection (5) of this section.

(4) Will Helping Kids Speak license plate(s) ever need replacing? Yes, the Helping Kids Speak license plate(s) are subject to the mandatory vehicle license plate replacement schedule.

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(5) When replacing Helping Kids Speak license plate(s), is the same license plate number/letter combination issued? Yes. If the vehicle owner requests and pays the fees described in RCW 46.16.233, the Helping Kids Speak license plate(s) may be replaced with the same number/letter combination as shown on the vehicle computer record.

Note: If the license plate(s) have been reported as stolen or if the department record indicates the plate has been stolen, the same number/letter combination will not be issued. This is a law enforcement issue and is for the protection of the public.

[Statutory Authority: RCW 46.01.110 and 46.16.316. 05-01-210, § 308-96A-079, filed 12/21/04, effective 1/21/05.]

WAC 308-96A-080 Undercover and confidential license plates—Application procedures. (1) **What are undercover and confidential license plates?** They are standard issue license plates assigned only to vehicles owned or operated by government agencies as identified in RCW 46.08.066. These vehicles include, but are not limited to, off road vehicles, trailers, and snowmobiles.

(2) When is an undercover or confidential license plate issued? An undercover or confidential license plate is issued to government agencies when being used in confidential, investigative, or undercover work.

(3) When are undercover and confidential license plates used?

(a) These plates are used for official business by government agencies or any state elected official.

(b) For the personal security of any other public officer, or public employee, for use on an unmarked publicly owned or controlled vehicle for the conduct of business for the period of time required.

(4) How are undercover and confidential vehicles registered?

(a) An undercover license plate record will show fictitious names and addresses on all department records subject to public disclosure.

(b) A confidential license plate record will show the government agency name and address on all department records subject to public disclosure.

(5) Who is responsible for verifying that only fictitious names and addresses are used for undercover vehicle registrations? The individual signing the application.

(6) How does a government agency apply for undercover or confidential license plates?

(a) A completed application form approved by the department needs to be signed by the government agency head or designated contact person.

(b) A copy of the current title, registration or other documents approved by the department of licensing that proves the vehicle is owned or operated by the government agency.

[Statutory Authority: RCW 46.08.066 and 88.02.035. 06-04-026, § 308-96A-080, filed 1/24/06, effective 2/24/06. Statutory Authority: RCW 46.08.066. 02-21-118, § 308-96A-080, filed 10/23/02, effective 11/23/02; 99-16-020, § 308-96A-080, filed 7/26/99, effective 8/26/99; 98-16-002, § 308-96A-080, filed 7/22/98, effective 8/22/98; 85-11-014 (Order TL/RG-12), § 308-96A-080, filed 5/8/85.]

WAC 308-96A-085 Undercover and confidential license plates—Agency contact. (1) **Who may represent a government agency regarding undercover or confidential**

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license plates? The government agency head may designate a maximum of two designees to represent the agency regarding undercover or confidential license plates. The government agency head must provide the name, signature, title, address, telephone number, and if available, fax number and e-mail address of each designee.

(2) How often does the government agency contact information need to be updated? The government agency contact information shall be updated, in writing, within thirty days of any change in the agency head or designee.

[Statutory Authority: RCW 46.08.066, 02-21-118, § 308-96A-085, filed 10/23/02, effective 11/23/02; 99-16-020, § 308-96A-085, filed 7/26/99, effective 8/26/99; 98-16-002, § 308-96A-085, filed 7/22/98, effective 8/22/98; 85-11-014 (Order TL/RG-12), § 308-96A-085, filed 5/8/85.]

WAC 308-96A-090 Undercover or confidential license plates—Vehicle inventory. (1) **How does the department maintain a current inventory listing of vehicles with undercover or confidential license plates?**

(a) The department provides an inventory list of vehicles, scheduled to be renewed within the next quarter, to each agency participating in the undercover/confidential vehicle license plate program. Each government agency verifies the accuracy of the information by:

- (i) Correcting any erroneous information;
- (ii) Deleting vehicles no longer in the program, by marking plainly on the list "deleted" next to the vehicle that needs to be deleted;
- (iii) Signing the inventory list certifying that all undercover and confidential license plates shown on the list are being utilized under RCW 46.08.066; and
- (iv) Returning the updated inventory list to the department by the date requested. The inventory list may also be returned by sending an e-mail verifying the active plates to the confidential plate program manager.

(b) The department updates the agency inventory based on information submitted by the agencies.

(2) What action may the department take if a government agency fails to return their inventory list? The department may refuse to renew a vehicle(s) shown on the quarterly inventory list until the government agency has complied with the requirements of subsection (1) of this section.

[Statutory Authority: RCW 46.08.066, 02-21-118, § 308-96A-090, filed 10/23/02, effective 11/23/02; 99-16-020, § 308-96A-090, filed 7/26/99, effective 8/26/99; 98-16-002, § 308-96A-090, filed 7/22/98, effective 8/22/98; 85-11-014 (Order TL/RG-12), § 308-96A-090, filed 5/8/85.]

WAC 308-96A-095 Undercover or confidential license plates—Cancellation. (1) **Who may cancel undercover or confidential license plates?** Undercover or confidential license plates may be canceled one of two ways:

(a) The department may cancel or refuse to renew undercover or confidential license plates when the department has reasonable cause to believe the license plates are being used for purposes other than those authorized in RCW 46.08.066; or

(b) A government agency may request cancellation of their undercover or confidential license plates when the license plates are no longer required.

(2) How does a government agency cancel undercover or confidential license plates? The government

agency notifies the department in writing that the undercover or confidential license plates are no longer required, and indicates that the license plates and registration are being returned to the department or are being destroyed.

(3) May the undercover or confidential license plates remain on the vehicle when it is removed from the program? No, the license plates must be removed from the vehicle and returned to the department or destroyed.

[Statutory Authority: RCW 46.08.066, 02-21-118, § 308-96A-095, filed 10/23/02, effective 11/23/02; 99-16-020, § 308-96A-095, filed 7/26/99, effective 8/26/99; 98-16-002, § 308-96A-095, filed 7/22/98, effective 8/22/98; 85-11-014 (Order TL/RG-12), § 308-96A-095, filed 5/8/85.]

WAC 308-96A-096 Registration requirements. (1) **What is required when registering a vehicle in Washington?**

(a) The name of each registered owner, (natural person or business) of the vehicle and, if the vehicle is subject to a lien or other security interest, the name of each secured party;

(b) The registered owner's primary residence street address (at the choice of the registered owner, a mailing address if different from the residence address can also be given); and

(c) The primary secured party's mailing address; and

(d) For natural persons one of the following:

(i) Presentation of an unexpired Washington state driver's license; or

(ii) Certification that he or she is:

(A) A Washington resident who does not operate a motor vehicle on public roads; or

(B) Exempt from the requirement to obtain a Washington state driver's license under RCW 46.20.025.

For purposes of this section, shared or joint ownership includes all registered owners shown on the active vehicle record.

(2) For the purposes of this section, "presents" means:

(a) In person, to bring and display the unexpired Washington state driver's license to the department or its agents and subagents and for each additional registered owner shown on the vehicle record, a photocopy of, or to provide in writing, the license number and expiration date from an unexpired Washington state driver's license.

(b) For internet transactions, to enter the license number and expiration date from an unexpired Washington state driver's license.

(c) By mail, to provide in writing the license number and expiration date from an unexpired Washington state driver's license.

(3) For the purposes of this section, "valid and compelling" reasons include:

(a) Driving privilege has been withdrawn by the department or a court.

(b) A co-owner is not available. Circumstances to include, but not be limited to, being incarcerated or out-of-state due to work assignment or personal need.

(c) A co-owner is deceased.

(d) Persons who are divorced and the registered owner awarded the vehicle presents a divorce decree showing the vehicle was awarded to them.

(e) Active military stationed in a foreign country or otherwise not available to provide the information.

(f) Military personnel who are at least sixteen years of age, including a spouse or dependent, who have in their immediate possession a valid driver's license issued by the jurisdiction designated as their home of record.

(g) Other reasons determined by the director or his or her designee to be valid and compelling.

(4) For the purposes of this section, a "natural person" may be a resident of this state even though that person has or claims residency in another state or intends to leave this state at some future time. A natural person will be presumed a resident if at least two of the following conditions are met:

(a) You maintain a residence in this state for personal use;

(b) You have a Washington state driver's license or a Washington state resident hunting or fishing license;

(c) You use a Washington state address for federal income tax or state tax purposes;

(d) You have previously maintained a residence in this state for personal use and have not established a permanent residence outside the state of Washington (for example, a person who retires and lives in a motor home or vessel which is not permanently attached to any property);

(e) You claim this state as residence for obtaining eligibility to hold a public office or for judicial actions;

(f) You are a custodial parent with a child attending public school in this state;

(g) The department may consider factors other than those listed in this subsection to determine that a person intends to be located in or be a resident of this state. However, the department may not consider those factors alone to presume residency;

(h) A natural person who is a resident of Washington may not form a corporation, trust or other entity in another jurisdiction for the purpose of evading Washington vehicle registration.

(5) When registering a vehicle with joint or shared ownership, you must present the following for each registered owner shown on the active vehicle record:

(a) The license number from an unexpired Washington state driver's license; or

(b) Certification that you or the co-owner is a Washington resident who does not operate a motor vehicle on public roads; or

(c) Certificate that you or the co-owner is exempt from the requirement to obtain a Washington driver's license under RCW 46.20.025.

[Statutory Authority: RCW 46.16.010, 06-17-033, § 308-96A-096, filed 8/8/06, effective 9/8/06; 05-23-135, § 308-96A-096, filed 11/22/05, effective 1/3/06.]

WAC 308-96A-098 Surrender and disposition of license plates. (1) **What license plates are required to be surrendered?** Only license plates authorized under RCW 46.16.301, 46.16.280, 46.16.305, and 46.16.595 and dealer/manufacture plates are required to be surrendered under chapter 308-66 WAC. Wreckers and scrap processors, hulk haulers must dispose of license plates according to WAC 308-63-070(7) and 308-63-120(4).

(2) **Where do I surrender my Washington vehicle license plates?** You may surrender your Washington vehicle license plates in the following manner:

(a) Take them to your local vehicle licensing office;

(b) Mail them to the department of licensing in Olympia, Washington.

(3) **What do Washington vehicle licensing offices do with surrendered license plates?**

(a) License plates surrendered to Washington vehicle licensing offices will be invalidated to make them unusable;

(b) Washington vehicle licensing offices will recycle or otherwise dispose of the invalidated plates that have been surrendered.

(4) **If I choose to dispose of the Washington vehicle license plates that are no longer valid, how is this done?** Other than license plates indicated in subsection (1) of this section, you may dispose of your invalid Washington vehicle license plates in the following ways:

(a) Remove or invalidate the month and year tabs and bend the plates so they are no longer usable;

(b) Shred the entire license plate; or

(c) After the month and year tab have been removed or invalidated, recycle the license plate in such a way that it cannot be confused with a valid Washington license plate.

(5) **How does the department dispose of my surrendered Washington vehicle license plate?** Once the department has received the Washington vehicle license plate, it must surrender it to the department of general administration for disposal under RCW 43.19.1919.

[Statutory Authority: RCW 46.01.110 and 46.01.100, 02-11-079, § 308-96A-098, filed 5/14/02, effective 6/14/02. Statutory Authority: RCW 46.01.110, 46.01.100 and 46.16.060, 99-19-026, § 308-96A-098, filed 9/8/99, effective 10/9/99.]

WAC 308-96A-099 Use class descriptions. (1) **Why does the department assign use classes to vehicles?**

The department assigns use classes to:

(a) Assess the proper license fees and taxes for vehicles;

(b) Assign special brands on subsequent owner's certificate of ownership;

(c) Apply certain restrictions on the use of the vehicles, which prints on the vehicle registrations;

(d) Assign the proper license plates.

(2) **Under what authority does the department assign use classes to vehicles?**

The department assigns use classes under the authority of RCW 46.16.040.

(3) **What use classes does the department assign and when do they apply?**

The use classes the department assigns are described below:

ABBREVIATION	TRANSLATION	DESCRIPTION
CAB	TAXI CAB	Vehicle is used for carrying passengers between two points for compensation for an on-demand trip rather than a scheduled route. A vehicle with this use class may not carry any luggage or commodities that do not belong to a passenger being carried at the same time. In other words, the vehicle cannot just carry cargo between two points.
C/G	CONVERTER GEAR	Vehicle is an axle that is used to convert a semi-trailer to a full trailer. A converter gear may be titled but may not be licensed.
CMB	COMBINATION	Vehicle is either (1) a power unit with a declared gross weight of 42,000 pounds or more and towing a trailer; or (2) a trailing unit with permanent plates. The trailer may be towed only by a power unit with a CMB use class, or FCB depending on what is being hauled.
CMP	CAMPER	Vehicle is a slide-in pickup camper (not a canopy) as defined in RCW 46.04.085. Even if the owner has chosen to permanently attach the camper to the pickup, the units need to be titled and licensed separately.
COM	COMMERCIAL	Vehicle is either (1) a power unit that does not pull a trailer or that pulls a trailer but the gross weight for the truck and trailer does not exceed 40,000 pounds; or (2) a trailing unit that is titled in a business name (including the name of a farm). A commercial trailer may be towed by a vehicle with PAS, TRK, COM, CMB, FAR or FCB use classes. If the trailer is being towed by a vehicle with FAR or FCB use class, the use of the trailer (items carried, etc.,) must meet the farm use class requirements.
CYC	MOTORCYCLE	Vehicle is a motorcycle, motor driven cycle or scooter. A moped does not qualify to be licensed as a motorcycle as defined in RCW 46.04.330 and 46.04.332.
EX	EXEMPT	Vehicle can be any type of vehicle, which is owned by a city, county or state government agency or federally recognized Indian tribe located in the state of Washington. This includes school buses, which are owned or leased by school districts. If the school district contracts a company to provide total bus service, such as the bus, the driver and the maintenance, and the vehicle is registered in the name of the school district as registered owner, the vehicle qualifies for exempt license plates.
FAR	FARM	Vehicle is a truck (or tractor) used to transport the farmer's own farm, orchard or dairy products as defined in RCW 46.16.090, or aquatic products as defined in RCW 15.85.020, from point of production to market or warehouse. The vehicle may also be used to transport the farmer's own farm supplies.
FCB	FARM COMBINATION	Vehicle is (1) a power unit (not a trailer) with a declared gross weight of 42,000 pounds or more and towing a trailer; and (2) meets the criteria of FAR use class above.
FED	FEDERAL	Vehicle is owned by the federal government of the United States. Like exempt vehicles, this could be any type of vehicle. This does not include vehicles displaying license plates issued by the federal government.
FEX	FARM EXEMPT	Vehicle is used exclusively in agricultural pursuits on farms as defined in RCW 46.16.010(3) and 46.04.181. The vehicle is usually a truck, but it could also be a bus, a motorcycle or off-road cycle.
FIX	FIXED LOAD	Vehicle as defined in RCW 46.16.070(1). These vehicles have a unique use class because they are exempt from the law, which requires vehicles with a scale weight of more than six thousand pounds to have a declared gross weight of at least 150 percent of the scale weight. The basic license fee is based on the declared gross weight, or the next two thousand pound increment above the scale weight, or the next two thousand pound increment above the legal maximum gross weight as determined by the Washington state patrol or department of transportation. Fixed load vehicles are the only ones whose gross weight may actually be less than their scale weight, depending on their legal maximum gross weight. An oversize permit is required in addition to the registration in these cases.

ABBREVIATION	TRANSLATION	DESCRIPTION
F/H	FOR HIRE	Vehicle is used to transport people and/or commodities for compensation as defined in RCW 46.72.010. A for hire permit from business and professions division (BPD) is required.
H/C	HORSELESS CARRIAGE	Vehicle is a motorized vehicle over 40 years old with limited use as defined in RCW 46.16.307. The vehicle may not be used for normal transportation to and from work, to go to the store and pick up groceries, and so on.
H/D	HOUSE DOLLY	Vehicle constructed and used exclusively to move buildings or homes.
LOG	LOGGING	Vehicle is a truck or trailer used exclusively for hauling logs.
MH	MOTOR HOME	Motorized vehicle designed for human habitation and defined in RCW 46.04.305
MOB	MOBILE HOME	Vehicle is a manufactured home as defined in RCW 46.04.302. Mobile homes are titled but generally not registered because of their size. Manufactured homes are taxed by the county, either as personal property or real property.
ORV	OFF-ROAD VEHICLE	Vehicle is used off-road. A vehicle licensed only as an ORV may not be operated on public roadways or ocean beaches.
PAS	PASSENGER	Vehicle is used to transport passengers as defined in RCW 46.04.382. Typically passenger cars, utility or multipurpose vehicles, passenger vans, and private busses are licensed as passenger vehicles.
PED	MOPED	Vehicle as defined in RCW 46.04.304 and subject to the restrictions in RCW 46.61.710.
PER	PERSONAL	Vehicle is a personal use trailer as defined in RCW 46.16.065. Trailers owned by businesses or used for commercial purposes do not qualify for this use class.
RES	RESTORED	Vehicle is a motorized collector vehicle over 30 years old with limited use as defined in RCW 46.16.307. The vehicle may display either a collector vehicle license plate provided by the department or a license plate, which must have been first issued, for use the year the vehicle was manufactured. The vehicle must be currently registered in order to be assigned this use class and receive a special collector license plate or authority to use a restored license plate.
SCH	SCHOOL	Vehicle is owned and operated by a private school meeting the accreditation requirements of RCW 28A.195.010. The vehicle is used to transport children to and from school or in connection with school activities.
SNO	SNOWMOBILE	Vehicle is a snowmobile as defined in RCW 46.10.020(2).
SNX	EXEMPT SNOWMOBILE	Vehicle is a snowmobile as defined in RCW 46.10.010(2) and owned by a city, county or state agency.
STA	STAGE	Vehicle is used as an auto stage as defined in RCW 46.04.050.
TLR	TRAILER	Vehicle is a personal use trailer as defined in RCW 46.04.620 but does not meet the size criteria for a PER use class. Trailers used by businesses or others for commercial purposes do not qualify for this use class.
TOW	TOW	Vehicle is a tow truck as defined in RCW 46.16.079 and 46.55.010(8). If the vehicle carries other vehicles, it does not qualify for the TOW use class and must be licensed as COM.
TRK	TRUCK	Vehicle is a personal use, light duty truck, with a declared gross weight of twelve thousand pounds or less. Trucks used for business or commercial purposes do not qualify for the TRK use class.
TVL	TRAVEL TRAILER	Vehicle is a travel trailer as defined in RCW 46.04.623, which includes park models of four hundred square feet or less and camp/tent trailers. It is designed and manufactured for temporary habitation.

(4) What use classes may the department assign to specific types of vehicles?

Use classes are assigned as listed below:

VEHICLE TYPE	USE CLASS	SPECIAL REQUIREMENTS
PASSENGER CARS	CAB, COM, EX, FED, F/H, H/C, PAS, RES, ORV, FEX, STA	COM-Scale weight seating capacity required for F/H and STA-Scale weight, if more than six seats
LIGHT DUTY TRUCKS (INCLUDING SMALL VANS)	COM, EX, FAR, FED, FEX, H/C, RES, STA, TOW, TRK, FIX, F/H, ORV	F/H and STA-Number of seats All use classes-Scale weight

VEHICLE TYPE	USE CLASS	SPECIAL REQUIREMENTS
MEDIUM/HEAVY DUTY TRUCKS (INCLUDING BUSES)	CMB, COM, EX, FAR, FCB, FEX, FIX, LOG, SCH, TOW, TRK, FED, H/C, RES, F/H	F/H and STA-Number of seats All use classes-Scale weight
TRAILERS	C/G, CMB, COM, EX, FEX, LOG, PER, TLR, FED	PER-Number of wheels All use classes-Scale weight
CYCLES		
MOTORCYCLES	CYC, EX, FED, FEX, H/C, ORV, RES	
MOPEDS	EX, FED, FEX, ORV, PED	
SNOWMOBILES	SNO, SNX	
UTILITY/MULTIPURPOSE VEHICLES	CAB, COM, EX, FED, F/H, PAS, STA, TRK, FAR, FEX, H/C, ORV, RES, SCH	COM, F/H, STA, TRK, FAR and FEX-Scale weight F/H and STA-Number of seats
RECREATION VEHICLES		
TRAVEL TRAILERS (INCLUDING CAMP AND TENT TRAILERS)	EX, FED, TVL	
CAMPERS	CMP, EX, FED	
MOTOR HOMES	EX, FED, MH	
NOTE: Gross weight and seat requirements per RCW 46.16.040.		

(5) Do all powered three-wheeled vehicles need to be licensed as motorcycles?

No. If the vehicle qualifies as a motorcycle as defined in RCW 46.04.330 or 46.04.332, it will be licensed as a motorcycle for street use. However, if the vehicle has a bench seat and a steering wheel as defined in RCW 46.04.330 or 46.04.332, it will be licensed as a passenger vehicle or truck.

(6) What license plates and use class will be assigned to my for hire vehicle?

The license plates and use class assigned to your for hire vehicle depends upon how you use your vehicle. All for hire vehicles transport passengers and commodities for compensation. For hire vehicles include cabulances, limousines, taxi cabs, and busses hauling passengers for compensation in addition to transporting school children. There are two use classes and license plate combinations assigned to for hire vehicles:

(a) CAB use class vehicles are assigned passenger license plates. These vehicles are used exclusively for transporting passengers and their possessions; and

(b) F/H use class vehicles are assigned truck license plates. These vehicles not only transport passengers for compensation, but also transport commodities, without passengers, for compensation.

(7) When may truck license plates be assigned to my passenger vehicle?

Truck license plates may be assigned to your passenger vehicle whenever the vehicle is used to transport commodities, produce, freight or animals for commercial purposes. The use class would be COM instead of PAS. This would require a title application, a scale weight slip and a certified/notarized statement of use describing how the vehicle will be used commercially.

(8) When may passenger license plates be assigned to my pick-up truck?

Passenger license plates may only be assigned to your pick-up truck if it has been modified to qualify as a passenger vehicle. The department requires confirmation from the Washington state patrol that the vehicle has been modified to qualify for passenger use.

(9) What use classes and license plates will be assigned to school buses?

(a) EX use class and county exempt license plates will be assigned to a school bus owned or leased by an exempt agency (school district);

(b) SCH use class and passenger license plates will be assigned to a school bus owned or leased by an accredited private school; or

(c) F/H use class and truck license plates will be assigned to school buses used for transporting passengers for compensation and not used exclusively for transporting school children to and from school or school related activities.

(10) May I license my motorcycle or any other motor vehicle for both road and off road use?

Yes, you may license your motorcycle or any other motor vehicle for both uses as long as the vehicle qualifies for road use. You will receive two registration certificates showing the vehicle is licensed for both uses. However, the certificate of ownership will show the use class associated with the road use.

(11) May I license my amphibious vehicle as a vehicle and a vessel?

Yes, you may license your amphibious vehicle for both uses as long as it qualifies for both uses. You will receive two registration certificates showing the vehicle is licensed for both uses. However, the certificate of ownership will show the use class associated with the road use.

(12) May I license my truck, truck tractor or tractor as a motor home?

Yes, you may license your truck, truck tractor or tractor as a motor home if:

(a) The vehicle meets the definition of a motor home in RCW 46.04.305; and

(b) You provide a Washington state patrol inspection confirming your vehicle may be licensed as a motor home; and

(c) You certify the vehicle will be used exclusively as a motor home and is not used for commercial use.

(13) Is my truck, truck tractor or tractor which I use exclusively for towing my travel trailer licensed differently than any other like truck?

No. Your truck, truck tractor or tractor used exclusively for towing your travel trailer must be licensed in accordance with RCW 46.16.070. Depending on scale weight the use class will be TRK or COM.

[Statutory Authority: RCW 46.01.110. 01-12-099, § 308-96A-099, filed 6/6/01, effective 7/7/01. Statutory Authority: RCW 46.16.276, 43.17.060, 46.16.600 and 46.01.110. 99-06-029, § 308-96A-099, filed 2/24/99, effective 3/27/99.]

WAC 308-96A-101 Scale weight required for licensing. (1) The department requires vehicle scale weight for:

- (a) Vehicles licensed under RCW 46.16.070, 46.16.090, and 46.16.0621;
- (b) Trailers;
- (c) The vehicle is powered by propane, natural gas or butane;
- (d) The vehicle has been structurally modified changing the scale weight.

(2) Determining scale weight:

The department will accept:

- (a) The shipping/scale weight as shown on a manufacturer's statement/certificate of origin, factory invoice, previous title, registration, or supporting documentation issued by another jurisdiction; or
- (b) A weight slip from a certified scale; or
- (c) Information provided by any nationally recognized electronic source, guidebook or other publication of recognized standing in the vehicle industry; (for example: *NADA* or *Kelly Blue Book*); or
- (d) Automated Value System (AVS) Value Detail Screen; or
- (e) Dealer's declaration of factory shipping weight - Completed vehicles only; or
- (f) Other sources approved by the department.

[Statutory Authority: RCW 46.16.010. 06-21-027, § 308-96A-101, filed 10/9/06, effective 11/9/06. Statutory Authority: RCW 46.01.110, 46.16.276, 46.16.600. 02-11-096, § 308-96A-101, filed 5/20/02, effective 6/20/02. Statutory Authority: RCW 46.16.276, 43.17.060, 46.16.600 and 46.01.110. 99-06-029, § 308-96A-101, filed 2/24/99, effective 3/27/99.]

WAC 308-96A-110 Private carrier bus. When may a vehicle be licensed as a private carrier bus?

A vehicle may be licensed as a private carrier bus as described in RCW 46.04.416 without a license based on gross weight if it carries passengers without compensation and is:

- (1) Used by a hotel, resort or lodge to transport guests;
- (2) Used by a parking service to transport parking customers to and from a transportation terminal or other destination;
- (3) Used by its owner to transport an athletic team, an educational group, members of a religious organization, a show troupe or similar organization;
- (4) Used by its owner to transport family, guests or employees;
- (5) Used as a school bus by a private school not accredited by the superintendent of public instruction.

[Statutory Authority: RCW 46.01.110, 46.16.276, 46.16.600. 02-11-096, § 308-96A-110, filed 5/20/02, effective 6/20/02. Statutory Authority: RCW 46.16.276, 43.17.060, 46.16.600 and 46.01.110. 99-06-029, § 308-96A-110, filed 2/24/99, effective 3/27/99; Order MV-328, § 308-96A-110, filed 7/24/75.]

(2007 Ed.)

WAC 308-96A-135 Fixed load vehicles. What is a fixed load vehicle?

A fixed load vehicle is specified in RCW 46.16.070 and described in WAC 308-96A-099.

[Statutory Authority: RCW 46.01.110. 01-12-099, § 308-96A-135, filed 6/6/01, effective 7/7/01. Statutory Authority: RCW 46.16.276, 43.17.060, 46.16.600 and 46.01.110. 99-06-029, § 308-96A-135, filed 2/24/99, effective 3/27/99. Statutory Authority: RCW 46.16.135, 46.16.225, 46.16.490 and 46.01.110. 86-10-040 (Order TL/RG 24), § 308-96A-135, filed 5/5/86; Order MV-328, § 308-96A-135, filed 7/24/75.]

WAC 308-96A-136 Mopeds—License plates. (1) Will the department issue a license plate for my moped?

The department will issue a motorcycle series license plate for your moped when you make proper application.

The number on the license plate serves as the moped's registration number as required in RCW 46.16.630.

(2) How do I display the license plate on my moped?

The license plate must be displayed on the rear of your moped as provided in RCW 46.16.240.

(3) If my moped does not meet the standard criteria for a moped, can I get it licensed as such? A Washington state patrol inspection may be required before a license can be issued. The Washington state patrol has the discretion to inspect and define similar vehicles as mopeds. If the vehicle is similar to a moped, it must be identified as a moped by the Washington state patrol inspection before a license can be issued.

[Statutory Authority: RCW 46.01.110, 46.16.276, 46.16.600. 02-11-096, § 308-96A-136, filed 5/20/02, effective 6/20/02. Statutory Authority: RCW 46.16.276, 43.17.060, 46.16.600 and 46.01.110. 99-06-029, § 308-96A-136, filed 2/24/99, effective 3/27/99. Statutory Authority: RCW 46.01.110. 97-07-013, § 308-96A-136, filed 3/11/97, effective 4/11/97. Statutory Authority: RCW 43.17.060, 46.01.060, 46.16.070 and 46.16.135. 92-02-100, § 308-96A-136, filed 1/2/92, effective 2/2/92. Statutory Authority: RCW 46.16.600, 46.16.276 and 46.01.110. 87-12-023 (Order TL/RG-34), § 308-96A-136, filed 5/28/87.]

WAC 308-96A-145 Cab and chassis. (1) What is a cab and chassis?

A cab and chassis is an incomplete truck shipped from the manufacturer. The customer chooses the type of bed to be installed.

(2) Will the department issue a certificate of ownership for my cab and chassis?

Yes. However, because the cab and chassis is an incomplete vehicle, when the body or special equipment has been installed you must apply for a new certificate of ownership to reflect the correct series and body type, scale weight and the completed vehicle's new value.

(3) Will the department issue a certificate of registration for my cab and chassis?

Yes, if you intend to use the vehicle on the public highways. The gross weight will be limited to one hundred fifty percent of the scale weight. Gross weight is rounded up to the nearest two thousand pound increment and may not be increased until the certificate of ownership is corrected to reflect the completed vehicle information.

(4) What do I need to provide the department when my cab and chassis has been converted to a complete vehicle and I am applying for a new license and certificate of ownership?

Whether you titled the cab and chassis or waited until the vehicle was completed before titling, you need to provide the department with the following before you use the completed vehicle on the public highways:

- (a) Proof of ownership for the cab and chassis;
- (b) Proof of ownership for the equipment installed to make it a complete vehicle;
- (c) A weight slip from a certified scale;
- (d) Proof or payment of sales or use tax on the equipment installed to make a complete vehicle; and
- (e) Applicable fees and taxes for any increased value of the completed vehicle.

[Statutory Authority: RCW 46.01.110. 01-12-099, § 308-96A-145, filed 6/6/01, effective 7/7/01. Statutory Authority: RCW 46.16.276, 43.17.060, 46.16.600 and 46.01.110. 99-06-029, § 308-96A-145, filed 2/24/99, effective 3/27/99. Statutory Authority: RCW 46.16.135, 46.16.225, 46.16.490 and 46.01.110. 86-10-040 (Order TL/RG 24), § 308-96A-145, filed 5/5/86; Order MV-328, § 308-96A-145, filed 7/24/75.]

WAC 308-96A-161 Fleet registration. (1) What is the purpose of the fleet program? The department recognizes and understands that there are businesses and individual registered owners within the state of Washington that have a valid need to license all their vehicles on the same date and receive a single billing notice. The purpose of the fleet program is to provide such a process.

(2) What types of fleet programs are available? There are two types of fleet programs:

(a) Regular fleet - To participate in the regular fleet program, the owner(s) must:

(i) Have five or more vehicles, all currently registered for highway use; and

(ii) All vehicles participating must be titled and registered in exact name agreement (letter for letter and space for space); and

(iii) All vehicles participating will be assigned a December 31 annual expiration. Monthly gross weight license may be purchased for vehicles participating in the regular fleet program; and

(iv) A fleet account will be established by the department and a fleet identifier code issued to the participant.

(b) Permanent fleet - To participate in the permanent fleet program, the owner must:

(i) Have one hundred or more vehicles all currently registered for highway use; and

(ii) Have all participating vehicles titled and registered in exact name agreement (letter for letter and space for space); and

(iii) Have all participating vehicles assigned a December 31 annual expiration. Monthly gross weight license may **not** be purchased for vehicles participating in the permanent fleet program however, gross weight increase can be purchased throughout the year.

A fleet account will be established by the department and a fleet identifier code issued to the participant.

(3) Who does a fleet owner contact to join the fleet program? Any owner who meets the qualifications may contact the department or your local Washington vehicle licensing office.

(4) Are there any vehicles that may not be part of a fleet? Yes, there are vehicles that may not be part of a fleet. Those vehicles include:

- (a) Snowmobiles;
- (b) Trailers with plates issued a permanent license plate under RCW 46.16.068;
- (c) Vehicles licensed as daily rental under RCW 82.44.023; or
- (d) Any vehicle not required to annually renew. (Prorate vehicles registered under the international registration program (chapter 46.87 RCW) cannot be part of this fleet program).

(5) Will the department remove me from the fleet program? Yes, the department will remove a participant from the fleet program at their request or if the required minimum number of currently registered vehicles is not maintained for the chosen fleet program. The fleet identifier code will be automatically canceled and will cause removal of all of the participant's vehicles from the chosen fleet program.

[Statutory Authority: RCW 46.01.110 and 46.01.100. 02-11-079, § 308-96A-161, filed 5/14/02, effective 6/14/02. Statutory Authority: RCW 46.01.110, 46.01.100 and 46.16.060. 99-19-026, § 308-96A-161, filed 9/8/99, effective 10/9/99. Statutory Authority: RCW 46.01.110. 97-10-003, § 308-96A-161, filed 4/24/97, effective 5/25/97; 92-15-025, § 308-96A-161, filed 7/6/92, effective 8/6/92. Statutory Authority: RCW 46.01.110 and 46.16.335. 91-15-006, § 308-96A-161, filed 7/8/91, effective 8/8/91.]

WAC 308-96A-175 Ride-sharing vehicles. (1) When may the department issue a ride share special license plate? Ride share special license plates may be issued when:

The owner of a passenger motor vehicle is primarily used as a commute ride-sharing vehicle defined in RCW 46.74.010(1). The vehicle owner may be issued special ride-share license plates by satisfying the provisions of RCW 46.16.023. Any person desiring the special ride-share license plates must make application on a form approved by the department and pay all fees required by chapter 46.12 RCW and the special ride-share license plate fee required by RCW 46.16.023. The owner must then provide:

(a) For privately owned vehicles, a list of the riders registered to use the ride-sharing vehicle, including the names, addresses and signatures of the riders and driver. For five and six passenger vehicles being used in a commute trip reduction program, the list must be a copy of the certification of registration in a commute trip reduction program either with a public transportation agency or a major employer; or

(b) For vehicles operated by public transportation agencies or by major employers defined in RCW 70.94.524 in commute trip reduction programs, a written statement that the vehicle is used as a commuter ride-sharing vehicle.

(c) A written statement that the vehicle is used for commuter ride-sharing if the passenger motor vehicle is owned, rented or leased by a government agency.

(2) Can the ride-share license plate be transferred to another vehicle? To transfer license plates to another vehicle, the owner must:

- (a) Make application to and receive approval by the department for the replacement passenger motor vehicle; and
- (b) Pay applicable fees stated in RCW 46.16.316.

(3) What happens when I remove or transfer special ride-share plates from my vehicle? When you remove or

transfer special ride-share license plates from one vehicle to another, you must:

(a) Purchase replacement license plates if the vehicle will be operated on public highways; and

(b) Pay applicable RTA excise tax for the remaining license registration period for the vehicle, if the registered owner resides in the RTA taxing district.

(c) If use/sales tax was exempted but the vehicle was used less than thirty-six consecutive months as a ride-share vehicle, use tax is due and payable to the department of revenue.

(4) What happens when the ride-share vehicle is sold or transferred to another person?

(a) When a ride-share vehicle is sold or transferred to another person who will continue to use the passenger motor vehicle as a commuter ride-share vehicle, the new owner must:

(i) Apply for a certificate of ownership under chapter 46.12 RCW;

(ii) Apply for commuter ride-share exemption; and

(iii) Pay all required fees and taxes including the special license plate fee.

(b) Upon application for registration renewal, the owners of nongovernment ride-share plated vehicles must:

(i) Recertify that the vehicle is used as a commuter ride-share vehicle to continue to be exempt from chapters 82.08, 82.12, and 82.44 RCW; and

(ii) Submit a completed recertification form, approved by the department, including names, addresses, and signatures of current passengers and drivers. If the registered owner fails to file a completed recertification form, the department will cancel the special ride-share license plates and the registered owner will need to purchase replacement plates and pay applicable fees and taxes to complete registration renewal.

(5) Will I ever have to replace my ride-share vehicle license plate? Yes, the ride-share vehicle license plates are subject to the seven-year vehicle license plate replacement schedule.

[Statutory Authority: RCW 46.01.110 and 46.16.316. 04-18-023, § 308-96A-175, filed 8/24/04, effective 9/24/04. Statutory Authority: RCW 46.01.110, 46.16.335, 46.16.276. 01-10-069, § 308-96A-175, filed 4/30/01, effective 5/31/01. Statutory Authority: RCW 46.01.110 and 46.16.335. 98-09-024, § 308-96A-175, filed 4/8/98, effective 5/9/98. Statutory Authority: RCW 46.01.110, 46.74.010 and 1996 c 244. 96-21-043, § 308-96A-175, filed 10/11/96, effective 11/11/96. Statutory Authority: RCW 46.01.110, 1993 c 488 and chapter 46.12 RCW. 94-17-044, § 308-96A-175, filed 8/10/94, effective 9/10/94. Statutory Authority: RCW 46.01.110, 46.16.276 and 1987 c 175 § 2. 88-01-010 (Order TL/RG 39), § 308-96A-175, filed 12/7/87.]

WAC 308-96A-176 Special transportation needs for ride-share vehicles. (1) **Who may request application for special transportation needs for ride-share vehicles?** Private, nonprofit transportation providers furnishing ride share for persons with special transportation needs under chapter 81.66 RCW may be issued special ride-share license plates under RCW 46.16.023 for passenger motor vehicles. The transportation provider must make application for special ride-share license plates on a form approved by the department. The application must include:

(a) A copy of the utilities and transportation commission's operating certificate authorizing the organization to operate in this state;

(b) Payment of all fees required under chapter 46.12 RCW; and

(c) Payment for the special ride-share license plate fee as provided in RCW 46.16.023.

(2) What is a passenger motor vehicle? For purposes of this section, a passenger motor vehicle is defined as:

(a) A motor vehicle titled with a use class of PAS, but does not include a motor home;

(b) A bus with a seating capacity of fifteen or less including the driver;

(c) A cutaway, defined as a van or light truck cut off behind the cab, a bus-type body permanently affixed to the frame behind the cab, and a seating capacity of fifteen or less including the driver. A cutaway does not include a motor home; and

(d) A modified van, not more than twenty-eight feet in overall length, and a seating capacity of fifteen or less including the driver. A modified van does not include a motor home.

(3) What happens when a transportation provider removes the special ride-share license plate or transfers the plate to another vehicle?

(a) When the transportation provider removes the special ride-share license plates or transfers the plates to another vehicle owned by the transportation provider, replacement license plate fee, vehicle registration fee and abated RTA vehicle excise tax if necessary must be collected if the vehicle will continue to be operated on public highways. If the exemption is being removed within thirty-six consecutive months from obtaining the exemption, the full use or sales tax amount originally exempted will be due and payable to the department of revenue.

(b) If the special license plates are to be transferred to another vehicle, a new application for exemption must be filed as required under subsection (1) of this section with payment of the license plate transfer fee provided in RCW 46.16.023(2).

(4) What is required to retain my ride-share exemption when I renew my registration? When applying for registration renewal, the transportation provider must recertify that the vehicle is being used to provide transportation for persons with special transportation needs to be exempt from chapters 82.08 and 82.44 RCW. The department will provide recertification forms to registered owners of ride-share vehicles for filing with registration renewal applications.

[Statutory Authority: RCW 46.01.110, 46.16.335, 46.16.276. 01-10-069, § 308-96A-176, filed 4/30/01, effective 5/31/01. Statutory Authority: RCW 46.01.110 and 46.16.335. 98-09-024, § 308-96A-176, filed 4/8/98, effective 5/9/98. Statutory Authority: RCW 46.01.110, 46.74.010 and 1996 c 244. 96-21-043, § 308-96A-176, filed 10/11/96, effective 11/11/96.]

WAC 308-96A-180 Registration of rental vehicles.

(1) What is a rental vehicle?

A rental vehicle is defined in RCW 46.04.465.

(2) Who registers a rental vehicle?

Any Washington vehicle licensing office registers rental vehicles.

(3) How will I register my rental vehicles?

Annual renewal of rental vehicle registration may be processed through any Washington vehicle licensing office or by mail by meeting the qualifications and paying the appropriate fees. The rental vehicle business registration number must be included on the vehicle registration. The name of the legal or registered owner on a rental vehicle registration must be identical to the business name displayed on the master license.

(4) Do rental vehicles operated in Washington need to be registered in Washington?

Rental vehicles must be registered in Washington unless:

- (a) Rented by a customer at a location outside of the state of Washington;
- (b) The vehicle was dropped off at a Washington rental vehicle business by its previous renter and is being rented for a one-way trip out of Washington; or
- (c) The vehicle is part of a properly registered International Registration Plan (IRP) rental vehicle business fleet.

(5) Does the current certificate of registration issued by the department need to be carried in the rental vehicle?

A photocopy of the current certificate of registration may be carried in a rental vehicle in lieu of the original certificate of registration.

(6) Who may operate a rental vehicle?

Rental vehicles may only be used by rental customers, unless the rental vehicle is being moved by the business to another business site, to or from maintenance or repair facilities, or for testing purposes.

(7) What does a rental vehicle business do when they remove a rental vehicle from their fleet?

The rental vehicle business may submit a vehicle seller's report of sale that protects the seller of a vehicle from certain criminal and civil liabilities arising from use of the vehicle by another person after the vehicle has been sold or a change in ownership has occurred.

[Statutory Authority: RCW 46.01.110, 04-01-162, § 308-96A-180, filed 12/22/03, effective 1/22/04. Statutory Authority: RCW 46.01.110, 46.16.135, 46.46.16.225 [46.16.225], 46.16.490 and 46.16.276, 98-19-075, § 308-96A-180, filed 9/21/98, effective 10/22/98. Statutory Authority: RCW 46.01.110 and 46.87.023, 95-15-028, § 308-96A-180, filed 7/11/95 effective 8/11/95.]

WAC 308-96A-201 Purchasing gross weight—Expiration dates. (1) What is the gross weight expiration date if I purchase twelve thousand pounds or less?

The gross weight license expiration date is the same as the registration expiration date. Gross weight fees are paid for the same number of months as the registration.

(2) What would the gross weight expiration date be if I purchase fourteen thousand pounds or more?

You, the owner, have two options:

(a) If you choose to buy twelve months gross weight, the expiration date of the gross weight is the same as the expiration date of the vehicle registration; or

(b) If you choose to buy one to eleven consecutive months, the expiration date of the gross weight is the same day of the month as the expiration date of the vehicle registration. For example: If the vehicle registration expires March 9, monthly gross weight licenses will expire April 9, May 9,

etc. Monthly gross weight may not be purchased beyond the vehicle registration expiration date.

(3) When renewing the registration and purchasing monthly gross weight, what is the effective date of my gross weight license?

The effective date of the gross weight license must be the first month the new registration is effective. Example: If the vehicle expiration is March 9, and the vehicle registration is purchased prior to April 9, the effective date is March 10. If the registration is purchased June 15, the effective date is June 10, etc. When there is a partial month between the requested effective date of the gross weight license and the expiration date of the gross weight license, gross weight fees are charged for a full month.

(4) If the vehicle registration expiration date is the thirty-first day of the month, what is the expiration date of the gross weight for those months having fewer than thirty-one days?

If the vehicle registration date is the thirty-first, the monthly gross weight will expire on the last calendar day of those months having fewer than thirty-one days.

[Statutory Authority: RCW 46.16.010, 06-21-027, § 308-96A-201, filed 10/9/06, effective 11/9/06. Statutory Authority: RCW 46.01.110, 46.16.070, 46.16.135, 02-10-013, § 308-96A-201, filed 4/22/02, effective 5/23/02; 99-01-133, § 308-96A-201, filed 12/21/98, effective 1/21/99. Statutory Authority: RCW 43.17.060, 46.01.060, 46.16.070 and 46.16.135, 92-02-100, § 308-96A-201, filed 1/2/92, effective 2/2/92.]

WAC 308-96A-202 Power units towing trailers with permanent registrations. (1) What determines if I pay the higher gross weight fees?

If the declared gross weight of the power unit exceeds forty thousand pounds AND the power unit will be towing a trailer, the power unit must be licensed with a combination (CMB) or farm combination (FCB) use class. This results in higher gross weight fees.

(2) How do I change to a CMB or FCB use class during the registration year?

If you choose to change the use class of your power unit during the registration year, you will need to:

(a) Pay the additional gross weight fees for the remaining months of the gross weight license period currently in effect; and

(b) Immediately attach the combination decals between the lower boltholes on the front and rear license plates.

If the license plates were issued prior to January 1, 1987, new plates are required.

(3) What if I change to a CMB or FCB use class at renewal time?

If you change use class at renewal time, you will pay the gross weight fees for the new registration year. Fees are not due for the remainder of the current registration year. If the plates were issued prior to January 1, 1987, new plates are required. The combination decals assigned may not be attached to the license plates until the first day of the new registration year, when the new use class is effective.

(4) What if I change from CMB or FCB to COM or FAR?

If you change from CMB or FCB to COM or FAR, you will need to purchase new plates. Excess gross weight fees

may be used to purchase additional months of gross weight to the end of the current registration year.

(5) If I sell the power unit with a CMB or FCB use class, will the new owner need to purchase new plates?

If the new owner retains the CMB or FCB use class, new plates are not required. If the use class is changed to commercial (COM) or farm (FAR), new plates are required.

(6) If new plates are required because of the change of use class or because they were issued prior to January 1, 1987, am I required to pay replacement plate fees?

No, you would only pay the reflectorization fee in RCW 46.16.237 and plate fee in RCW 46.16.650.

[Statutory Authority: RCW 46.01.110, 01-12-099, § 308-96A-202, filed 6/6/01, effective 7/7/01. Statutory Authority: RCW 46.01.110, 46.16.070 and 46.16.135, 99-01-133, § 308-96A-202, filed 12/21/98, effective 1/21/99.]

WAC 308-96A-203 Permanent trailer registrations.

(1) Do I have an option of purchasing a permanent registration for my trailer to offset the higher fees on my power unit?

Yes, if the power unit towing the trailer is properly licensed to tow a trailer with a permanent registration.

(2) How does the power unit need to be licensed to tow a trailer with a permanent registration?

The power unit must have a combination (CMB) or farm combination (FCB) use class.

(3) How does the power unit qualify for the CMB or FCB use class?

The declared gross weight of the power unit must exceed forty thousand pounds. The CMB and FCB use classes require a higher gross weight fees to offset the annual revenue loss of the permanently licensed trailer(s) the power unit is towing.

(4) If I am not required to renew the permanent trailer registration each year, how is my registration kept updated?

Your registration will show an expiration date of "PERM." Your vehicle record will show a current expiration date, which is updated annually. And your trailer plate will have a permanent trailer validation tab assigned to it.

(5) Are there any restrictions on the use of the trailer with permanent plates?

Yes, there is a restriction printed on the registration stating that the vehicle must be towed by a power unit with a CMB or FCB use class and gross weight in excess of forty thousand pounds.

(6) How long is the permanent registration valid?

The permanent registration is valid until ownership in the trailer changes. For purposes of this section, the following are not considered changes of ownership:

- (a) Addition or deletion of spouse or co-owner; or
- (b) Change of lessee with the same lessor.

(7) What do I do if I want to cancel the permanent registration and register the trailer as commercial?

You may change from CMB to COM use class at any time. You will need to pay all fees and taxes from the date of application to the expiration date shown on the vehicle record. A partial month requires a full month's fees. The license plates must be replaced when ownership changes on a trailer with CMB use class.

(8) What type of plates do I display on a trailer with a permanent registration?

A regular trailer plate, including a permanent trailer tab and combination decal, must be displayed on the trailer. The trailer may not display personalized or other special plates in this case.

(9) How is the expiration date established for a permanent trailer registration?

If the vehicle is unlicensed at the time of application, an expiration date is established based on the date of application as defined in WAC 308-96A-260. The permanent trailer plate fee is charged. If the vehicle is currently registered, either as COM or CMB, the permanent trailer plate fee is charged and the expiration date remains the same.

(10) Do I need to get a new plate when I get a permanent trailer registration?

If the vehicle is new, is currently registered to another owner with CMB use class, or the plate was issued prior to January 1, 1987, a new plate must be issued. If the vehicle is currently registered with a COM use class, and the plate has been issued since January 1, 1987, the permanent trailer tab and combination decal may be attached to the existing plate.

(11) If the trailer has a permanent registration and I no longer wish to use the trailer, or I sell the trailer and the new owner does not wish to license the trailer, may a title purpose only title be issued?

Yes, however, a title purpose only title will not eliminate the requirement for license fees to be paid. As soon as the vehicle is no longer used as a CMB trailer, license fees are due. The owner has the choice of:

- (a) Paying to change the use class to COM, in which case the registration would not need to be renewed the following year if it is not being used; or
- (b) Paying the permanent trailer registration fee one time and having the vehicle be licensed.

(12) If I need to purchase new plates because of changing the use class or because the plates were issued prior to January 1, 1987, do I need to pay replacement plate fees?

No. You would only pay the reflectorization fee in RCW 46.16.237 and the plate fee in RCW 46.16.650.

[Statutory Authority: RCW 46.01.110, 01-12-099, § 308-96A-203, filed 6/6/01, effective 7/7/01. Statutory Authority: RCW 46.01.110, 46.16.070 and 46.16.135, 99-01-133, § 308-96A-203, filed 12/21/98, effective 1/21/99.]

WAC 308-96A-205 Gross weight—Increasing declared gross weight. (1) If my gross weight is insufficient, am I required to increase it?

Yes, you are required to maintain sufficient gross weight to cover the weight of the vehicle and its load up to the legal weight limit of your vehicle. Any amount above the legal limit of the gross vehicle weight rating requires an overweight permit from the department of transportation.

(2) How do I increase my gross weight? You may purchase additional gross weight by applying at any Washington vehicle license office and surrendering the current gross weight license.

(3) What would the gross weight expiration date be when I increase the declared gross weight of my vehicle?

The new gross weight expiration date remains the same as the current gross weight license. You may choose to purchase additional months of gross weight not to exceed the vehicle registration expiration date.

(4) What is the start date of the new gross weight license? The start date of the new gross weight license remains the same as the current gross weight license.

(5) Will I receive credit for gross weight fees that I have already paid? Yes. You will receive dollar value credit for the number of months from the start date of the new gross weight license to the expiration of the current gross weight license. Credit is given for the gross weight that has already been purchased:

(a) You must surrender the current gross weight license in order to receive credit.

(b) If the gross weight license is lost, stolen or destroyed, you must sign an affidavit of loss and a statement that the gross weight license has not been transferred to another vehicle.

(c) You will not receive credit for the monthly gross weight permit fees as defined in RCW 46.16.135.

(6) How many months gross weight must I purchase when I increase the declared gross weight on my vehicle? You must purchase at least as many months as are remaining on the current gross weight license.

Credit will be given as provided in subsection (5) of this section. You will also be charged for the permit fees as defined in RCW 46.16.135, when applicable, in addition to all other fees required to license the vehicle.

[Statutory Authority: RCW 46.01.110, 46.16.070 and 46.16.135. 02-11-095, § 308-96A-205, filed 5/20/02, effective 6/20/02; 99-01-133, § 308-96A-205, filed 12/21/98, effective 1/21/99. Statutory Authority: RCW 43.17.060, 46.01.060, 46.16.070 and 46.16.135. 92-02-100, § 308-96A-205, filed 1/2/92, effective 2/2/92. Statutory Authority: RCW 46.16.600, 46.16.276 and 46.01.110. 87-12-023 (Order TL/RG-34), § 308-96A-205, filed 5/28/87. Statutory Authority: RCW 46.16.135, 46.16.225, 46.16.490 and 46.01.110. 86-10-040 (Order TL/RG 24), § 308-96A-205, filed 5/5/86; Order MV-328, § 308-96A-205, filed 7/24/75.]

WAC 308-96A-206 Gross weight—Decreasing declared gross weight. (1) May I decrease the declared gross weight on my vehicle?

Yes. If you decrease the declared gross weight, you must surrender the current gross weight license.

(2) When may I decrease the declared gross weight on my vehicle? Any time during the registration year. However, decreasing the declared gross weight may result in a forfeiture of gross weight fees already paid. Unless you have been advised by law enforcement to decrease your declared gross weight, you may wait to decrease it until renewing your gross weight license.

(3) What would the gross weight expiration date be when I decrease the declared gross weight of my vehicle? The expiration date of the gross weight license would remain the same as the current gross weight license.

(4) What will be the start date of the new gross weight license? The start date of the gross weight license would remain the same as the current gross weight license.

(5) Will I receive credit for gross weight fees that I have already paid? You will receive dollar value credit for

the number of months remaining and at the rate of the declared gross weight previously purchased for the period between the effective date of the change and the expiration date of the previously issued gross weight license. At the time of application, any excess credit accrued as a result of such change may be applied toward the payment of gross weight license fees for the gross weight license months between the previous gross weight license expiration date and the registration expiration date:

(a) Credit may not be carried over to the next registration year and any credit still remaining after decreasing gross weight to the registration expiration date shall be forfeited;

(b) You must surrender the current gross weight license in order to receive credit;

(c) If the gross weight license is lost, stolen or destroyed, you must sign an affidavit of loss and a statement that the gross weight license has not been transferred to another vehicle;

(d) You will not receive credit for the monthly gross weight permit fees as defined in RCW 46.16.135.

(6) May the credit of gross weight be applied to any other fee? No it may only be applied to gross weight.

(7) How many months gross weight must I purchase when I decrease the declared gross weight of my vehicle? You will need to purchase the number of months remaining on the current gross weight license. Credit will be given as provided in subsection (5) of this section. You will also be charged for the permit fees as defined in RCW 46.16.135, when applicable, in addition to all other fees required to license the vehicle.

[Statutory Authority: RCW 46.01.110, 46.16.070 and 46.16.135. 02-11-095, § 308-96A-206, filed 5/20/02, effective 6/20/02; 99-01-133, § 308-96A-206, filed 12/21/98, effective 1/21/99. Statutory Authority: RCW 43.17.060, 46.01.060, 46.16.070 and 46.16.135. 92-02-100, § 308-96A-206, filed 1/2/92, effective 2/2/92.]

WAC 308-96A-207 Gross weight—Changing from a farm use class to a nonfarm use class. (1) When would I need to change my vehicle registration from a farm use class to a nonfarm use class?

You need to change your vehicle registration from a farm to nonfarm use class when the vehicle is no longer being used solely for farm purposes as defined in RCW 46.16.090.

(2) What would the gross weight expiration date be when I change my vehicle registration from a farm use class to a nonfarm use class? The expiration date of the gross weight license would remain the same as the current gross weight license.

(3) What will be the start date of the gross weight license with the nonfarm use class?

The new gross weight license start date is the first day of the current registration month, as described in WAC 308-96A-201 (2)(b), or any subsequent registration month of the current gross weight license period.

(4) How many months gross weight must I purchase when I change my vehicle registration from farm to non-farm? You must purchase at least as many months as are remaining on the current gross weight license. Credit will be given as provided in subsection (5) of this section. You will also be charged for the permit fees as defined in RCW

46.16.135, and additional gross weight fees in addition to all other fees required to license the vehicle.

(5) Will I receive credit for gross weight fees that I have already paid?

You will receive dollar value credit for the number of months remaining on the current gross weight license. The credit will be given at the rate of the declared gross weight; however, you must surrender the current gross weight license in order to receive credit. If the gross weight license is lost, stolen or destroyed, you must sign an affidavit of loss and a statement that the gross weight license has not been transferred to another vehicle. You will not receive credit for the monthly gross weight permit fees as defined in RCW 46.16.-135.

[Statutory Authority: RCW 46.01.110, 46.16.070, 46.16.135. 02-10-013, § 308-96A-207, filed 4/22/02, effective 5/23/02; 99-01-133, § 308-96A-207, filed 12/21/98, effective 1/21/99. Statutory Authority: RCW 43.17.060, 46.01.060, 46.16.070 and 46.16.135. 92-02-100, § 308-96A-207, filed 1/2/92, effective 2/2/92.]

WAC 308-96A-208 Gross weight—Changing from a nonfarm use class to a farm use class. (1) When may I change my vehicle registration from a nonfarm use class to a farm use class?

You may change your vehicle registration from a nonfarm to farm use class when the vehicle is being used solely for farm purposes as defined in RCW 46.16.090.

(2) When is the best time to change my vehicle registration from a nonfarm use class to a farm use class?

The best time to change your vehicle registration from a nonfarm to a farm use class is at the time you are purchasing gross weight. Changing use class from nonfarm to farm results in a forfeiture of gross weight fees paid. You may increase your declared gross weight to make up the difference between the nonfarm and the farm gross weight fees if the increased gross weight does not exceed the maximum legal limit of the vehicle.

(3) What would the gross weight expiration date be when I change my vehicle registration from a nonfarm use class to a farm use class? The expiration date of the gross weight license would remain the same as the current gross weight license.

(4) What will be the start date of the gross weight license when I change my vehicle registration from nonfarm use class to a farm use class? The start date of the gross weight license would remain the same as the current gross weight license.

(5) How many months gross weight must I purchase when I change my vehicle registration from nonfarm to farm?

You will need to purchase the number of months remaining on the current gross weight license. Credit will be given as provided in subsection (6) of this section. You will also be charged for the permit fees as defined in RCW 46.16.135, in addition to all other fees required to license the vehicle.

(6) Will I receive credit for gross weight fees that I have already paid?

You will receive dollar value credit for the number of months and at the rate of the declared gross weight previously purchased for the period between the effective date of the change in use class and the expiration date of the previously

issued gross weight license. At the time of application for change of use class from nonfarm to farm, any excess credit accrued as a result of such change may be applied toward the payment of gross weight license fees for the gross weight license months between the nonfarm gross weight license expiration date and the registration expiration date. Credit may not be carried over to the next registration year and any credit still remaining after purchasing gross weight license to the registration expiration date forfeit. You must surrender the current gross weight license in order to receive credit. If the gross weight license is lost, stolen or destroyed, you must sign an affidavit of loss and a statement that the gross weight license has not been transferred to another vehicle. You will not receive credit for the monthly gross weight permit fees as defined in RCW 46.16.135.

[Statutory Authority: RCW 46.16.010, 06-21-027, § 308-96A-208, filed 10/9/06, effective 11/9/06. Statutory Authority: RCW 46.01.110, 46.16.070, 46.16.135. 02-10-013, § 308-96A-208, filed 4/22/02, effective 5/23/02; 99-01-133, § 308-96A-208, filed 12/21/98, effective 1/21/99. Statutory Authority: RCW 43.17.060, 46.01.060, 46.16.070 and 46.16.135. 92-02-100, § 308-96A-208, filed 1/2/92, effective 2/2/92.]

WAC 308-96A-210 Gross weight—Transfer of gross weight license to new owner. (1) Is a gross weight license transferable to a new owner at the time of transfer of ownership?

Yes. A gross weight license of twelve thousand pounds or less is transferred to a new owner at the time of transfer of ownership of the vehicle. If the seller has signed off the gross weight license, the gross weight license of fourteen thousand pounds or more may be transferred to the new owner at the time of transfer of ownership of the vehicle. The seller also has the option of retaining the gross weight license to transfer to a replacement vehicle as provided in WAC 308-96A-220.

(2) What happens if the gross weight license is neither transferred to the new owner or a replacement vehicle?

Any gross weight credit not transferred to the new owner or to a replacement vehicle is forfeit and is not refunded.

(3) What will be the start date of the gross weight license when transferred to the new owner?

(a) The new gross weight license start date for twelve thousand pounds or less is the first day of current registration year; or

(b) The new gross weight license start date for fourteen thousand pounds or more is the first day of the registration month in which application for transfer of ownership is made. A gross weight license cannot be purchased for a partial registration month. For example: If the current gross weight license start date was the 24th, the expiration is on the 23rd, and an application for transfer of ownership is made on the 17th, then the effective date of the new gross weight license is the 24th of the current registration month.

(4) What would the new gross weight expiration date be?

(a) If the current declared gross weight is twelve thousand pounds or less, the new gross weight expiration date is the same as the vehicle registration expiration date; or

(b) If the current declared gross weight is fourteen thousand pounds or more, the gross weight expiration date will remain the same as is currently in effect. You may choose to

purchase additional months of gross weight not to exceed the vehicle registration expiration date.

(5) How many months gross weight fees will I be charged when I apply for transfer of ownership?

You will be charged for the number of months from the start date of the new gross weight license to the expiration of the new gross weight license at the rate of the declared gross weight amount. Credit will be given as provided in subsection (6) of this section. You will also be charged for the permit fees as defined in RCW 46.16.135, when applicable, in addition to all other fees required to license the vehicle.

(6) Will I receive credit for gross weight fees that have already been paid?

If the previous owner has provided you with the signed off gross weight license, and the gross weight credit is fifteen dollars or more, you will receive dollar value credit for the number of months from the start date of the new gross weight license to the expiration of the current gross weight license and at the rate of the declared gross weight of the current gross weight license. However, you must surrender the current gross weight license in order to receive credit. If the gross weight license is lost, stolen or destroyed, you must provide an affidavit of loss and a statement from the seller that the gross weight license has not been, or will not be, transferred to another vehicle. You will not receive credit for the monthly gross weight permit fees as defined in RCW 46.16.135.

[Statutory Authority: RCW 46.16.010, 06-21-027, § 308-96A-210, filed 10/9/06, effective 11/9/06. Statutory Authority: RCW 46.01.110, 46.16.070 and 46.16.135, 99-01-133, § 308-96A-210, filed 12/21/98, effective 1/21/99. Statutory Authority: RCW 43.17.060, 46.01.060, 46.16.070 and 46.16.135, 92-02-100, § 308-96A-210, filed 1/2/92, effective 2/2/92. Statutory Authority: RCW 46.16.135, 46.16.225, 46.16.490 and 46.01.110, 86-10-040 (Order TL/RG 24), § 308-96A-210, filed 5/5/86; Order MV-328, § 308-96A-210, filed 7/24/75.]

WAC 308-96A-220 Gross weight—Transfer of gross weight license to a replacement vehicle. (1) May I transfer a gross weight license to a replacement vehicle? Yes, the gross weight license on a truck, tractor, or truck tractor may be transferred to a replacement vehicle.

(2) What qualifies as a replacement vehicle? A replacement vehicle is a truck, tractor, or truck tractor that is:

(a) A presently unlicensed vehicle belonging to the same owner; or

(b) A vehicle purchased for replacement that is presently unlicensed or has had its gross weight license retained by its former owner.

(3) What is an unlicensed vehicle? For the purposes of this section, a vehicle is considered unlicensed if the current gross weight license expires prior to the registration, or if the current gross weight license is not adequate for the load being carried.

(4) When may I transfer gross weight license to a replacement vehicle? You may transfer a gross weight license from one vehicle to a replacement vehicle when the previously licensed vehicle is:

(a) Sold and the gross weight credit amount of fifteen dollars or more is retained;

(b) Destroyed;

(c) Reclassified so a gross weight license is no longer required;

(d) Registered in another jurisdiction;

(e) Involuntarily removed from the person's ownership by repossession, sheriff's sale, court order, chattel lien, landlord lien, self-service storage facility lien, abandoned vehicle sale;

(f) Stolen; or

(g) Removed from service by the owner.

Gross weight license may also be transferred to a replacement vehicle at the request of the owner.

(5) What are the restrictions to transferring gross weight license? The restrictions to transferring gross weight license are:

(a) The expiration date of the transferred gross weight license may not:

(i) Extend beyond the registration expiration date of the replacement vehicle;

(ii) Be used to extend the registration expiration date of the replacement vehicle.

(b) The gross weight license being transferred may not exceed the replacement vehicle's weight limitations as defined in chapter 46.44 RCW;

(c) The gross weight license being transferred must be 14,000 pounds or more;

(d) The amount of gross weight credit being transferred must be fifteen dollars or more;

(e) A transfer of gross weight license for the purposes of increasing the declared gross weight of the replacement vehicle must comply with the requirements of WAC 308-96A-205;

(f) You must surrender the current gross weight license in order to transfer gross weight license to a replacement vehicle.

(6) What would the new gross weight expiration date be?

(a) The expiration date of the transferred gross weight license is the same day of the month as the registration expiration date of the replacement vehicle. For example: If the registration expiration date of the replacement vehicle is July 15, the transferred gross weight license will expire on the fifteenth day of the month, depending on how many months gross weight license was transferred.

You may choose to purchase additional months of gross weight not to exceed the replacement vehicle registration expiration date.

(b) If the registration of a replacement vehicle as described in subsection (2)(b) of this section has expired, new registration and gross weight expiration dates will be assigned.

(7) Will I receive credit for gross weight fees that have already been paid? You will receive credit for the current and unused portions of the gross weight license already purchased. Any excess credit will not be refunded or ever used as a credit.

[Statutory Authority: RCW 46.16.010, 06-21-027, § 308-96A-220, filed 10/9/06, effective 11/9/06. Statutory Authority: RCW 46.01.110, 46.16.070 and 46.16.135, 02-11-095, § 308-96A-220, filed 5/20/02, effective 6/20/02; 99-01-133, § 308-96A-220, filed 12/21/98, effective 1/21/99. Statutory Authority: RCW 43.17.060, 46.01.060, 46.16.070 and 46.16.135, 92-02-100, § 308-96A-220, filed 1/2/92, effective 2/2/92. Statutory Authority: RCW 46.16.600, 46.16.276 and 46.01.110, 87-12-023 (Order TL/RG-34), § 308-96A-220, filed 5/28/87. Statutory Authority: RCW 46.16.135, 46.16.-

225, 46.16.490 and 46.01.110. 86-10-040 (Order TL/RG 24), § 308-96A-220, filed 5/5/86; Order MV-328, § 308-96A-220, filed 7/24/75.]

WAC 308-96A-260 Assignment of original registration year. How are registration years assigned?

Vehicles licensed for the first time in this state will have expiration dates assigned under RCW 46.16.006 except as follows:

(1) Fleet vehicles will have a registration year ending December 31. A full month's fees are charged for any partial month.

(2) City, state and county exempt vehicles using propane, butane or natural gas will have a June 30 expiration date for special fuel billing purposes. This does not apply to federal exempt vehicles, which are required to be registered annually and pay the liquefied petroleum gas (LPG) fee at the time of registration renewal.

(3) Vehicles delivered on dealer temporary permits must be assigned expiration dates based on date of delivery as documented by the dealer.

(4) A February 29 expiration date will be reassigned to March 1.

[Statutory Authority: RCW 46.01.110, 46.16.135, 46.46.16.225 [46.16.-225], 46.16.490, and 46.16.276. 01-17-017, § 308-96A-260, filed 8/3/01, effective 9/3/01; 98-19-075, § 308-96A-260, filed 9/21/98, effective 10/22/98. Statutory Authority: RCW 43.17.060, 46.01.060, 46.16.070 and 46.16.135. 92-02-100, § 308-96A-260, filed 1/2/92, effective 2/2/92. Statutory Authority: RCW 46.16.135, 46.16.225, 46.16.490 and 46.01.110. 86-10-040 (Order TL/RG 24), § 308-96A-260, filed 5/5/86. Statutory Authority: 1985 c 109 §§ 2, 4, 6 and 8, RCW 46.80.140, 46.70.080 [46.79.080], 46.70.160, 46.76.070 and 46.16.225. 86-08-028 (Order DLR-091), § 308-96A-260, filed 3/26/86; Order MV-355, § 308-96A-260, filed 5/10/76.]

WAC 308-96A-275 Assignment of fleet registration expiration. (1) When do fleet vehicle registrations expire? Fleet vehicle registrations expire December 31 annually.

(2) How does the department adjust registration fees to assign a December 31 registration expiration date for a fleet vehicle?

(a) When you add an unlicensed vehicle to your fleet, you will be charged for the number of months from the date of the current registration month to December 31st. The fees are abated to correspond with the number of months of registration purchased. For example:

(i) If you add a vehicle to your new or existing fleet between October 1 and December 30 of the current year, you will be required to purchase more than twelve months of registration to obtain a December 31 vehicle registration expiration date for the following December 31;

(ii) If you add a vehicle to your new or existing fleet between February 1 and September 30, you will be required to purchase less than twelve months of registration to obtain a December 31 vehicle registration expiration date for the current year;

(iii) If you add a vehicle to your new or existing fleet between December 31 and January 31, you will be required to purchase twelve months of registration to obtain a vehicle registration expiration date for the next year.

(b) When you add a currently registered vehicle to your new or existing fleet, the number of months registration fees abated from the date of current registration expiration to December 31, as applied in (a) of this subsection not to exceed eighteen months;

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(c) The department will charge a full month's fees for any partial month.

[Statutory Authority: RCW 46.01.110 and 46.01.100. 02-11-079, § 308-96A-275, filed 5/14/02, effective 6/14/02. Statutory Authority: RCW 46.01.110, 46.01.100 and 46.16.060. 99-19-026, § 308-96A-275, filed 9/8/99, effective 10/9/99. Statutory Authority: RCW 46.01.110. 92-15-025, § 308-96A-275, filed 7/6/92, effective 8/6/92. Statutory Authority: RCW 43.17.060, 46.01.060, 46.16.070 and 46.16.135. 92-02-100, § 308-96A-275, filed 1/2/92, effective 2/2/92. Statutory Authority: RCW 46.16.135, 46.16.225, 46.16.490 and 46.01.110. 86-10-040 (Order TL/RG 24), § 308-96A-275, filed 5/5/86; Order MV-355, § 308-96A-275, filed 5/10/76.]

WAC 308-96A-295 Display of tabs. (1) What are tabs?

Tabs are decals affixed to the rear license plate as indicated on the license plate to identify the registration expiration month or year for a specific vehicle.

(2) **Which tabs are valid to be displayed on the vehicle license plate?** Tabs depicting the current registration expiration month and year must be displayed on the rear vehicle license plate in the area designated on the license plate. Expired month and year tabs may be displayed on the front vehicle license plate for vehicles that are required to display a front license plate.

(3) **Does this rule apply to all vehicles?** No, vehicles registered under the provisions of the International Registration Plan must display tabs depicting current registration expiration month and year on both the front and rear vehicle license plates of the power unit.

(4) **When is the requirement for rear license plate tabs effective?** The requirement for rear license plate tabs is effective for vehicle registration expiration periods after December 31, 2001.

[Statutory Authority: RCW 46.01.110, 46.16.135, 46.16.225. 01-09-079, § 308-96A-295, filed 4/17/01, effective 5/18/01. Statutory Authority: RCW 46.01.110, 46.16.135, 46.46.16.225 [46.16.225], 46.16.490 and 46.16.276. 98-19-075, § 308-96A-295, filed 9/21/98, effective 10/22/98. Statutory Authority: RCW 46.01.110. 93-14-083, § 308-96A-295, filed 6/30/93, effective 7/31/93. Statutory Authority: RCW 46.16.135, 46.16.225, 46.16.-490 and 46.01.110. 86-10-040 (Order TL/RG 24), § 308-96A-295, filed 5/5/86; Order MV-355, § 308-96A-295, filed 5/10/76.]

WAC 308-96A-300 Changing assigned registration year. When will the assigned registration year of a vehicle be changed?

(1) The department will change the registration year of a vehicle if the vehicle remains unlicensed for more than the entire assigned registration year.

(2) The registered owner may request a change of registration expiration month. This can only be done at the time of renewal and requires the registered owner to purchase more than twelve months of registration, limited to the vehicle field system constraints and license tab availability.

(3) When the vehicle is being added to a fleet.

(4) When a vehicle has been sold and the registration is no longer valid. (Example: When a vehicle has been sold with expired tabs, a new expiration date will be assigned at the time of registration renewal.)

[Statutory Authority: RCW 46.01.110, 46.16.135, 46.46.16.225 [46.16.-225], 46.16.490, and 46.16.276. 01-17-017, § 308-96A-300, filed 8/3/01, effective 9/3/01; 98-19-075, § 308-96A-300, filed 9/21/98, effective 10/22/98. Statutory Authority: RCW 43.17.060, 46.01.060, 46.16.070 and 46.16.135. 92-02-100, § 308-96A-300, filed 1/2/92, effective 2/2/92. Statutory Authority: RCW 46.16.600, 46.16.276 and 46.01.110. 87-12-023

(Order TL/RG-34), § 308-96A-300, filed 5/28/87. Statutory Authority: RCW 46.16.135, 46.16.225, 46.16.490 and 46.01.110. 86-10-040 (Order TL/RG 24), § 308-96A-300, filed 5/5/86; Order MV-355, § 308-96A-300, filed 5/10/76.]

WAC 308-96A-306 Definitions—Individual with disabilities special parking privileges. For the purposes of determining eligibility for special individual with disabilities parking placards and license plates, the following definitions apply:

(1) For the purposes of determining a disability that limits a person's abilities as defined in RCW 46.16.381 and for determining eligibility for certifying individual with disabilities parking privileges under RCW 46.16.381, "licensed physician" is a health care provider to include: Chiropractor (DC), naturopath (ND), physician or surgeon (MD or DO), podiatrist (DPM), advanced registered nurse practitioner (ARNP). Licensed physician does not include persons licensed in the professions of dentistry and optometry.

(2) "Permanent" means a licensed physician has certified that the qualifying disability condition is expected to last at least five years.

(3) "Permit" means the eligibility for the temporary or permanent placard or special license plate(s) and identification card.

(4) "Identification card" means the identification card referred to in RCW 46.16.381(3).

(5) "Private carriers" means those entities contracting with public transportation authorities to transport persons with disabilities described in RCW 46.16.381.

(6) "Privilege" means the right to utilize the benefits associated with the individuals with disabilities, parking placards, identification card and license plate(s).

(7) "Public transportation authorities" means those entities operating motor vehicles owned or leased by Washington state, or a town, city, county, municipality, or metropolitan or municipal corporation within the state, or United States government agencies or Indian nations used for the primary purpose of transporting persons with disabilities described in RCW 46.16.381.

(8) "Signature" means any memorandum, mark, stamp, or sign made with intent to authenticate an application for a placard, or the subscription of any person thereto as provided in RCW 9A.04.110(23).

(9) "Application" means the form provided by the department that must be completed by the individual and physician or the form that must be completed by the organization.

[Statutory Authority: RCW 46.16.381. 04-14-077, § 308-96A-306, filed 7/6/04, effective 8/6/04; 02-04-002, § 308-96A-306, filed 1/23/02, effective 2/23/02; 00-16-056, § 308-96A-306, filed 7/26/00, effective 8/26/00. Statutory Authority: RCW 46.16.381, 46.01.110 and 46.16.276. 99-21-034, § 308-96A-306, filed 10/15/99, effective 11/15/99; 98-22-032, § 308-96A-306, filed 10/29/98, effective 10/29/98. Statutory Authority: RCW 46.01.110. 97-02-001, § 308-96A-306, filed 12/19/96, effective 1/19/97. Statutory Authority: RCW 46.01.110 and 46.16.276. 92-03-076, § 308-96A-306, filed 1/14/92, effective 2/14/92. Statutory Authority: RCW 46.16.600, 46.16.276 and 46.01.110. 87-12-023 (Order TL/RG-34), § 308-96A-306, filed 5/28/87.]

WAC 308-96A-350 Outstanding parking violations—Information to be supplied by issuing jurisdiction.

(1) **How is the department notified of outstanding**

(unpaid) parking violations? The jurisdiction notifies the department of outstanding parking violations. The notice will include the following:

- (a) Jurisdiction name.
- (b) NCIC number/originating agency identifier (ORI).
- (c) Parking violation number.
- (d) Date parking violation was issued.
- (e) Vehicle license plate number.
- (f) Fine and penalty amount.
- (g) Jurisdiction seal, except if filed electronically.
- (h) Signature and date when required on form, except if filed electronically.

(2) **When will the department accept parking violations for a vehicle data base record by a jurisdiction?** An original report against a vehicle record must contain a minimum of two outstanding violations from one jurisdiction. Subsequent reports against that vehicle by that same jurisdiction may be for a single violation unless the vehicle record indicates all existing violations have been paid and no further violations have been accrued in the thirteen months following the payment. If thirteen months have elapsed, the jurisdiction must submit an original report containing a minimum of two violations.

(3) **What methods do jurisdictions use to notify the department of parking violations?** Information must be provided in accordance with department instructions by:

- (a) A form issued by the department;
- (b) A computer listing sheet; or
- (c) Electronic format.

[Statutory Authority: RCW 46.01.110, 46.12.040, 46.12.216. 01-17-091, § 308-96A-350, filed 8/20/01, effective 9/20/01. RCW 46.01.110, 46.12.040, 46.16.216. 00-03-057, § 308-96A-350, filed 1/18/00, effective 2/18/00; 91-04-024, § 308-96A-350, filed 1/29/91, effective 3/1/91. Statutory Authority: RCW 46.01.110. 84-17-074 (Order TL-RG 7), § 308-96A-350, filed 8/15/84.]

WAC 308-96A-355 Satisfaction of parking violations—Information to be supplied by issuing jurisdiction. What happens when outstanding parking violations are satisfied? Upon satisfaction of parking violations previously reported as outstanding against a vehicle, the issuing jurisdiction must:

- (1) Furnish the registered owner with a proof of payment form; and
- (2) Supply the department with the following information within ten days of satisfaction of the parking violations. The information must be on a form approved by the department, on a computer listing sheet or electronic format in accordance with department instructions containing:

- (a) Jurisdiction name,
- (b) NCIC number/originating agency identifier (ORI),
- (c) Parking violation number,
- (d) Date parking violation was issued,
- (e) Vehicle license plate number,
- (f) Date of satisfaction,
- (g) Jurisdiction seal, except if filed electronically,
- (h) Signature of court representative and date signed, except if filed electronically.

Information must be provided on a form approved by the department on a computer listing sheet or electronic format in accordance with department instructions.

[Statutory Authority: RCW 46.01.110, 46.12.040, 46.12.216, 01-17-091, § 308-96A-355, filed 8/20/01, effective 9/20/01. RCW 46.01.110, 46.12.040, 46.16.216, 00-03-057, § 308-96A-355, filed 1/18/00, effective 2/18/00. Statutory Authority: RCW 46.01.110, 84-17-074 (Order TL-RG 7), § 308-96A-355, filed 8/15/84.]

WAC 308-96A-365 Reinstatement of parking violation. (1) **Can a parking violation be reinstated on a vehicle record after it has been reported by the jurisdiction as satisfied?** A parking violation previously reported as satisfied will be reinstated on the vehicle record upon:

- (a) Jurisdiction reporting error;
- (b) Dishonored check for payment of fines and penalties;
- (c) Departmental error.

(2) **How is a parking violation reinstated that has been previously reported as satisfied?** The jurisdiction seeking reinstatement of a parking violation must supply the department with the following information:

- (a) Jurisdiction name,
- (b) NCIC number/originating agency identifier (ORI),
- (c) Parking violation number,
- (d) Date parking violation was issued,
- (e) Vehicle license plate number,
- (f) Fine and penalty amount,
- (g) Jurisdiction seal, except if filed electronically,
- (h) Signature of court representative and date signed, except if filed electronically,
- (i) Reason for reinstatement.

Information must be on a form approved by the department on a computer listing sheet or electronic format in accordance with department instructions.

[Statutory Authority: RCW 46.01.110, 46.12.040, 46.12.216, 01-17-091, § 308-96A-365, filed 8/20/01, effective 9/20/01. RCW 46.01.110, 46.12.040, 46.16.216, 00-03-057, § 308-96A-365, filed 1/18/00, effective 2/18/00. Statutory Authority: RCW 46.01.110, 84-17-074 (Order TL-RG 7), § 308-96A-365, filed 8/15/84.]

WAC 308-96A-400 Excise tax exemption—Indians.

(1) **What definitions does the department apply to this section?** For purposes of this rule, the following words and terms have the following meanings:

(a) "Indian country" means all lands, notwithstanding the issuance of any patent, within the exterior boundaries set aside by the United States for the use and occupancy of Indian tribes by treaty, law or executive order and which are areas currently recognized as "Indian country" by the United States Department of the Interior as referenced in 18 U.S.C. 1151 and C.F.R. 25.

(b) "Indian tribe" means an Indian nation, tribe, band, or community recognized as an "Indian tribe" by the United States Department of the Interior.

(c) "Indian" means a person on the tribal rolls of the Indian tribe occupying Indian country.

(2) **What Indian country tribes in Washington are recognized by the United States Department of the Interior?** The only Washington "Indian tribes" are those currently recognized as such by the United States Department of the Interior. As of the effective date of this rule, there are twenty-eight federally recognized tribes in the state of Washington. You may contact the governor's office of Indian affairs for an up-to-date list of federally recognized Indian

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tribes in the state of Washington at its web site www.goia.wa.gov or at:

Governor's Office of Indian Affairs
531 15th Ave. S.E.
P.O. Box 40909
Olympia, WA 98504-0909
360-753-2411

(3) **How does an Indian qualify for a motor vehicle excise tax exemption?** To qualify for an RTA excise tax exemption, an Indian shall:

- (a) Be enrolled as a tribal member of a recognized Washington tribe;
- (b) Have their principal residence within the boundaries of Indian country of the tribe of which they are a member; and
- (c) Be a registered owner of the vehicle for which the exemption is requested.

(4) **Are vehicles owned or leased by a governing body of an Indian tribe subject to RTA excise tax?** No. Vehicles owned or leased by a governing body of an Indian tribe are not subject to the RTA excise tax as provided in RCW 46.16.020 and 46.16.022.

(5) **What documentation does the department require from a tribal member to qualify for an RTA excise tax exemption?** The department requires a properly completed affidavit of exemption on a form supplied or approved by the department. An affidavit for each vehicle must be submitted at the time the exemption is established and at the time of renewal if there is a change of address and the new address is located inside the RTA boundary. The department may require such other proof of qualification for exemption, as it deems necessary.

(6) **What information must be contained within the affidavit of exemption described in subsection (5) of this section?** At the minimum, the affidavit of exemption must include the following:

- (a) Description of the vehicle including the year and make and either the license plate number or the vehicle identification number;
- (b) The registered owner's name, tribe, their enrollment numbers and the address in Indian country where the registered owner lives, as will be shown on the vehicle registration certificate; and enrollment or Bureau of Indian Affairs number;
- (c) Signature of the registered owner;
- (d) A certification of an authorized tribal authority representing the Indian tribe of which the registered owner is a member. The position or title of the tribal authority, their telephone number and their signature must appear on the certification. The certification must include a statement that the registered owner is an enrolled tribal member and that the address provided by the registered owner is within the boundaries of their Indian country;
- (e) The position or title of the tribal authority, their telephone number and their signature.

(7) **Are there any types of vehicles for which the Indian RTA excise tax exemption does not apply?** No, the Indian RTA excise tax exemption applies to all types of vehicles for which RTA excise tax is due.

[Statutory Authority: RCW 46.01.110. 01-12-099, § 308-96A-400, filed 6/6/01, effective 7/7/01. Statutory Authority: RCW 46.01.110, 46.01.100 and 46.16.060. 99-19-026, § 308-96A-400, filed 9/8/99, effective 10/9/99. Statutory Authority: RCW 46.16.600, 46.16.276 and 46.01.110. 87-12-023 (Order TL/RG-34), § 308-96A-400, filed 5/28/87. Statutory Authority: RCW 82.44.020 and 82.44.060. 83-08-052 (Order 714-DOL), § 308-96A-400, filed 4/1/83.]

WAC 308-96A-530 Veteran remembrance license plate emblems. (1) **What veteran remembrance license plate emblems are available?** The following veteran remembrance license plate emblems are available:

(a) Veteran remembrance vehicle license plate emblem with the words "U.S. VETERAN" (referred to as veteran emblem);

(b) The United States flag waving on a staff without wording (referred to as the flag emblem); and

(c) Campaign medal emblem authorized in RCW 46.16.319(3).

(2) **Who may purchase veteran remembrance emblems?** Only persons qualified under RCW 46.16.319 may purchase veteran remembrance license plate emblems.

(3) **What will I receive when I purchase veteran remembrance license plate emblems?** In addition to a receipt, you will receive an emblem package including:

(a) One U.S. veteran emblem;

(b) One U.S. flag and campaign ribbon emblem; or

(c) Two campaign ribbon emblems; or

(d) Two U.S. flag emblems.

(4) **What emblems are available for purchase?**

(a) Afghanistan Campaign Medal.

(b) American Campaign Medal WWII.

(c) Armed Forces Expedition Medal.

(d) Armed Forces Services Medal.

(e) Asiatic - Pacific Campaign Medal WWII.

(f) European-African-Middle Eastern Campaign Medal WWII.

(g) Iraq Campaign Medal.

(h) Korean Defense Medal.

(i) Korean Service Medal.

(j) Kosovo Campaign Medal.

(k) Merchant Marines Atlantic War Zone Medal.

(l) Merchant Marines Middle East War Zone Medal.

(m) Merchant Marines Pacific War Zone Medal.

(n) National Defense Medal.

(o) South Asia Service Medal.

(p) U.S. Flag decal.

(q) U.S. Veteran decal.

(r) Vietnam Service Medal.

(s) War on Terrorism Expeditionary Medal.

(t) War on Terrorism Service Medal.

(u) World War I Victory Medal.

(5) **How much do veteran remembrance license plate emblem packages cost?** Veteran remembrance license plate emblem packages cost ten dollars per package, in addition to fees authorized in RCW 46.01.140 (5)(b).

(6) **How do I display my license plate emblems?** In addition to the requirements and limitations in RCW 46.16.-327:

(a) When the VETERAN emblem is displayed on a license plate, it must be displayed between the bottom license plate bolt holes;

(b) The FLAG emblem must be displayed to the left of the bottom left license plate bolt hole. When two FLAG emblems are displayed, one is displayed on the outside of each bottom license plate bolt hole. No more than two FLAG emblems may be affixed to any one license plate;

(c) The CAMPAIGN emblem must be displayed to the right of the bottom right license plate bolt hole. When two CAMPAIGN emblems are displayed, one is displayed on the outside of each bottom license plate bolt hole. No more than two CAMPAIGN emblems may be affixed to any one license plate;

(d) For two-plated vehicles, you may display the emblems on either the front or rear license plate, or you may buy a second package if you want to display emblems on both license plates.

Note: When a license plate displaying veteran's remembrance emblems is transferred to a new owner, the emblems must be removed.

(7) **Do the veteran remembrance emblems on my front license plate have to match the emblems on the rear license plate?** No, emblems displayed on the front license plate do not need to match emblems displayed on the rear license plate.

(8) **May I obtain a replacement or additional veteran remembrance license plate emblem package?** Yes:

(a) If you choose to purchase an additional set, you will be charged the fee in subsection (4) of this section; or

(b) When the original emblems become faded or unrecognizable, you may obtain a replacement set at no fee; or

(c) When the license plates are replaced as required by the mandatory plate replacement law, a replacement set will be provided at no fee.

[Statutory Authority: RCW 46.16.110, 46.16.335, 46.16.276. 06-21-026, § 308-96A-530, filed 10/9/06, effective 11/9/06. Statutory Authority: RCW 46.01.110, 46.16.335, 46.12.070, 46.16.276. 02-16-071, § 308-96A-530, filed 8/6/02, effective 9/6/02. Statutory Authority: RCW 46.01.110, 46.16.-276 and 43.17.060. 00-01-151, § 308-96A-530, filed 12/21/99, effective 1/21/00. Statutory Authority: RCW 46.01.110. 91-03-091, § 308-96A-530, filed 1/18/91, effective 2/18/91.]

WAC 308-96A-550 Vehicle special collegiate license plates. (1) **What are the criteria for establishing collegiate license plates?** Application for license plate series from an institution of higher education under RCW 46.16.324 may be submitted to the special license plate review board through the process established in RCW 46.16.735 and 46.16.745. In addition the following criteria must be satisfied:

(a) The plates will consist of numbers, letters, colors and a symbol or artwork approved by the department and/or the special license plate review board.

(b) The numbers and letters combination may not exceed seven positions.

(c) The plate series will not conflict with existing license plates.

(d) The plate design must provide at least four positions to accommodate serial numbering.

(e) The plate must not carry connotations offensive to good taste or decency, which may be misleading, vulgar in nature, a racial, ethnic, lifestyle or gender slur, related to illegal activities or substances, blasphemous, contrary to the

department's mission to promote highway safety, or a duplication of other license plates provided in chapter 46.16 RCW.

(f) The plate must be designed so that it is legible and clearly identifiable by law enforcement personnel as an official Washington state issued license plate. A collegiate license plate design may not be issued in combination with any other license plate configuration including special, personalized or exempt license plate(s).

(2) How is the design for a collegiate plate determined? The institution of higher education must provide a design including color and dimension specifications of the logo requested on the special collegiate license plate series with their application. Design services may be purchased through the department. The design must be legible and clearly identifiable as a Washington state plate to be approved by the department, Washington state patrol, the special license plate review board and/or the legislature.

(3) Who may apply for the special collegiate license plate? Upon receipt of all applicable fees, the special collegiate license plate will be issued to a registered owner of the vehicle.

(4) When ownership of a vehicle issued collegiate license plates is sold, traded, or otherwise transferred, what happens to the plates? The owner may relinquish the plates to the new vehicle owner or remove the plates from the vehicle for transfer to a replacement vehicle. If the plates are removed from the vehicle, a transfer fee to another vehicle shall be charged as provided in RCW 46.16.316(1).

(5) Will any new fees be charged when the collegiate license plates are sold, traded, or otherwise transferred? If the registration expiration date for the new vehicle exceeds the old vehicle registration expiration date, an abated fee for the collegiate plate will be charged at the rate of one-twelfth of the annual collegiate plate fee for each exceeding month and partial month. If the new registration expiration date is sooner than the old expiration date, a refund will not be made for the remaining registration period.

(6) Will I be able to retain my current collegiate license plate number/letter combination if my plate is lost, defaced, or destroyed? Yes. Upon the loss, defacement, or destruction of one or both collegiate license plates, the owner will make application for new collegiate or other license plates and pay the fees described in RCW 46.16.270 and 46.16.233 as applicable. See note following subsection (9) of this section.

(7) Will I ever have to replace my collegiate license plate? Yes, the collegiate license plates are subject to the seven-year vehicle license plate replacement schedule.

(8) How does the department define "current license plate registration"? For the purposes of this section, a current license plate registration is defined as: A registration that has not expired or a registration where it is less than one year past the expiration date.

(9) When I am required to replace my collegiate license plate, will I receive the same license plate number/letter combination? Yes. In addition to the license plate replacement fee, you may pay an additional plate retention fee to retain the same number/letter combination as shown on the current vehicle computer record as long as the plate meets a current approved license plate configuration and background.

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Note: If the license plate(s) has been reported as stolen or if the department record indicates the plate has been stolen, the same number/letter combination will not be issued.

[Statutory Authority: RCW 46.01.110, 46.16.135, 46.16.225, 46.16.490, 46.16.276. 04-08-079, § 308-96A-550, filed 4/6/04, effective 5/7/04. Statutory Authority: RCW 46.01.110, 46.16.335, 46.12.070. 03-05-082, § 308-96A-550, filed 2/19/03, effective 3/22/03. Statutory Authority: RCW 46.01.110, 46.16.335, 46.16.276. 01-10-069, § 308-96A-550, filed 4/30/01, effective 5/31/01. Statutory Authority: RCW 46.01.110 and 1997 c 291. 98-01-151, § 308-96A-550, filed 12/22/97, effective 1/22/98. Statutory Authority: RCW 46.16.301, 46.16.324 and 46.01.110. 95-11-043, § 308-96A-550, filed 5/10/95, effective 6/10/95. Statutory Authority: RCW 46.01.110. 91-03-091, § 308-96A-550, filed 1/18/91, effective 2/18/91.]

WAC 308-96A-560 Special vehicle license plates—Criteria for continued issuance. What criteria are used to discontinue issuing special vehicle license plates? A special license plate series may be canceled if:

(1) The department determines that fewer than five hundred special license plates in the approved configuration are purchased annually and no less than one thousand five hundred special license plates are purchased in any continuous three-year period. (Except those license plates issued under RCW 46.16.301, 46.16.305, and 46.16.324); or

(2) The legislature concurs with a recommendation from the special license plate review board to discontinue a plate series created after January 1, 2003; or

(3) The state legislature changes the law allowing that plate series.

[Statutory Authority: RCW 46.01.110, 46.16.135, 46.16.225, 46.16.490, 46.16.276. 04-08-079, § 308-96A-560, filed 4/6/04, effective 5/7/04. Statutory Authority: RCW 46.01.110, 46.16.335, 46.16.276. 01-10-069, § 308-96A-560, filed 4/30/01, effective 5/31/01. Statutory Authority: RCW 46.01.110 and 1997 c 291. 98-01-151, § 308-96A-560, filed 12/22/97, effective 1/22/98. Statutory Authority: RCW 46.16.301, 46.16.324 and 46.01.110. 95-11-043, § 308-96A-560, filed 5/10/95, effective 6/10/95. Statutory Authority: RCW 46.01.110. 93-14-083, § 308-96A-560, filed 6/30/93, effective 7/31/93; 91-03-091, § 308-96A-560, filed 1/18/91, effective 2/18/91.]

Chapter 308-96B WAC

INDIVIDUALS WITH DISABILITIES VEHICLE LICENSE PRIVILEGES

WAC

308-96B-010	Definitions—Individual with disabilities special parking privileges.
308-96B-020	General provisions.
308-96B-030	Permanent placard and individual with disabilities special license plates for organizations.

WAC 308-96B-010 Definitions—Individual with disabilities special parking privileges. For the purposes of determining eligibility under RCW 46.16.381, for individual with disabilities special parking placards and license plates, the following definitions apply:

(1) "Application for individual" means the form provided by the department that must be completed by the individual and physician.

(2) "Application for organization" means the form provided by the department that must be completed by the organization.

(3) "Identification card" means the identification card bearing the name and date of birth of the person to whom the placard/plate/tab is issued.

(4) "Licensed physician" is a health care provider to include: Chiropractor (DC), naturopath (ND), physician or surgeon (MD or DO), podiatrist (DPM), advanced registered nurse practitioner (ARNP). Licensed physician does not include persons licensed in the professions of dentistry and optometry.

(5) "Permanent" means a licensed physician has certified the qualifying disability condition is expected to last at least five years.

(6) "Permit" means the eligibility for the temporary or permanent placard or special license plate(s), individual with disability license tab, and identification card.

(7) "Private carriers" means those entities contracting with public transportation authorities to transport persons with disabilities.

(8) "Privilege" means the right to utilize the benefits associated with the individuals with disabilities, parking placards, identification card, license plate(s) and tabs.

(9) "Public transportation authorities" means those entities operating motor vehicles owned or leased by Washington state, or a town, city, county, municipality, or metropolitan or municipal corporation within the state, or United States government agencies or Indian nations used for the primary purpose of transporting persons with disabilities.

(10) "Signature" means any memorandum, mark, stamp, or sign made with intent to authenticate an application for a placard/plate, or the subscription of any person.

[Statutory Authority: RCW 46.16.381. 06-19-079, § 308-96B-010, filed 9/19/06, effective 10/20/06.]

WAC 308-96B-020 General provisions. (1) How do I qualify for an individual with disabilities parking privilege? To qualify for temporary or permanent individual with disabilities parking privilege, a licensed physician as defined in WAC 308-96B-010(4) must certify, on a department approved application form, that you have a disability that limits or impairs your ability to walk and that you meet the requirements listed in RCW 46.16.381(1). The physician must sign a declaration under penalty of perjury that you have a disability that limits or impairs the ability to walk and that you meet one of the following criteria:

(a) Cannot walk two hundred feet without stopping to rest;

(b) Are severely limited in ability to walk due to arthritic, neurological, or orthopedic condition;

(c) Have such a severe disability that you cannot walk without the use of or assistance from a brace, cane, another person, prosthetic device, wheelchair, or other assistive device;

(d) Use portable oxygen;

(e) Are restricted by lung disease to such an extent that forced expiratory respiratory volume, when measured by spirometry, is less than one liter per second or the arterial oxygen tension is less than sixty mm/hg on room air at rest;

(f) Are impaired by cardiovascular disease or cardiac condition to the extent that your functional limitations are classified as class III or IV under standards accepted by the American Heart Association;

(g) Have a disability resulting from an acute sensitivity to automobile emissions which limits or impairs your ability to walk. Your personal physician as described in WAC 308-

96B-010(4) must document that your disability is comparable in severity to the others listed in this subsection; or

(h) Is legally blind and has limited mobility.

The medical declaration is required on all original applications for permanent and temporary disability privileges and for permanent disability privileges that have been expired more than thirty days. A declaration is not required for renewal of existing Washington privileges for an individual with disabilities.

(2) How do I apply for an individual with disabilities parking privilege? You must complete and sign your portion of the application. Once the licensed physician portion of the application is completed, you submit it to most vehicle licensing offices or the department as noted on the application.

(3) Who may sign the application for an individual with disabilities who is unable to sign or is a minor? An authorized representative of the individual with disabilities may sign the application. The application must be accompanied by a copy of one of the following:

(a) A power of attorney;

(b) A Washington state court order or certification from the clerk of court confirming the court's action; or

(c) A declaration under penalty of perjury explaining why the applicant is unable to sign and explaining the signing person's association with the applicant. Example: Signature, Jane Doe, daughter.

(4) When is the individual with disabilities parking privilege no longer valid?

(a) The plates expire;

(b) The privilege expires;

(c) Upon death of the individual with disabilities;

(d) If the disability no longer exists;

(e) The special license plates have been canceled by department administrative action;

(f) If the privilege was issued in error; or

(g) If the individual with disability is no longer shown on the department's record as being a registered owner of the vehicle.

(5) What do I receive when my application is approved for an individual with disabilities parking privilege? An individual with disabilities identification card and:

(a) If you have a temporary disability, you will receive one temporary placard;

(b) If you have a permanent disability, you receive up to two privileges. You may choose to receive:

(i) Up to two permanent placards; or

(ii) One permanent placard and one set of individual with disabilities license plates or individual with disabilities year tab. The year tab may only be displayed on qualifying plates. The individual with disabilities must be a registered owner of the vehicle to receive these plates or tab.

(6) When can the individual with disabilities parking privileges be used? When transporting the person to whom the plate or placard is issued.

(7) Why is the individual with disabilities identification card issued? The identification card is issued to identify the individual with disabilities and to ensure that only those who qualify use the parking privilege. The identification card must be available for law enforcement or parking enforcement officials.

If you have just applied for and not yet received an individual with disabilities identification card, show the receipt you received at the time of application.

(8) How do I display the individual with disabilities parking placard?

- (a) The placard is hung from the rearview mirror post; or
- (b) The placard may be placed on the dashboard, (in the absence of the rearview mirror post).

The entire placard must be visible through the vehicle windshield.

(9) How long is the individuals with disabilities parking privilege valid?

(a) Temporary privileges are valid for up to six months from the date of issuance by the department.

(b) Permanent privileges are issued for five years and expire on the last day of the month of issuance. The expiration date can be located on the identification card or as marked on the placard. For example: If your expiration date is May 2008, your privilege will expire on May 31, 2008.

Note: License plates carry the expiration date of your vehicle registration and must be renewed annually.

(10) How do I renew or extend my individual with disabilities parking privilege?

(a) You cannot renew a temporary privilege. If your condition continues beyond the expiration date, you can obtain a new temporary individual with disabilities parking placard and identification card by submitting a new application completed and certified by a licensed physician or ARNP.

(b) You can renew a permanent privilege. The department will mail you a renewal notice before your privilege expires. Submit the completed renewal notice or a new application to most vehicle licensing offices to renew. You will receive your new parking placard(s) and new identification card through the mail.

(c) If permanent privilege has been expired more than thirty days you must submit a new application completed and certified by a licensed physician or ARNP.

(11) What if the individual with disabilities parking placard or identification card is lost, mutilated, destroyed, or stolen? To replace your individual with disabilities parking placard or identification card, complete and sign a statement explaining what happened to the placard or identification card. A new individual with disabilities parking placard or identification card will be issued, indicating the original expiration date. The placard or identification card being replaced are no longer valid and should be destroyed if located.

(12) What should I do with my placard and identification card when they are no longer valid? When your placard and identification card are no longer valid, they should be destroyed.

Note: If the vehicle has been reported stolen or if the department record indicates the vehicle has been stolen, the same number/letter combination will not be used. This is a law enforcement issue and is for the protection of the public.

[Statutory Authority: RCW 46.16.381. 06-19-079, § 308-96B-020, filed 9/19/06, effective 10/20/06.]

WAC 308-96B-030 Permanent placard and individual with disabilities special license plates for organizations. (1) When can a qualifying organization use disabled

person license plates or parking placards? Qualifying organizations may only use disabled parking license plates or parking placards when transporting any person who meets the criteria under RCW 46.16.381(1).

(2) How does an organization qualify for individual with disabled parking license plates and permanent parking placards? The organization must:

(a) Service participants/clients who meet the criteria in RCW 46.16.381(3); and

(b) Report the status of each permanent individual with disabilities parking placard or disabled parking license plate to the department by April 30th each year.

(3) How does a qualifying organization apply for disabled parking license plates and placards? The organization must submit a completed individual with disabilities parking privileges organization application with appropriate documentation as indicated on the application.

(4) When can a qualifying organization use disabled parking license plates or placards? Qualifying organizations can only use disabled parking license plates or placards when transporting persons who meet the criteria for an individual with disabilities.

(5) What can a qualifying organization receive when approved for parking privileges?

(a) Disabled parking license plates can be issued for vehicles registered to the organization, which regularly transport persons who have qualified or would qualify for this parking privilege; or

(b) Parking placard(s) can be used only when the vehicle in which they are displayed is transporting persons who have or would qualify for the disabled parking privilege.

An organization may receive up to ninety-nine placards, or disabled parking license plates can be issued to vehicles licensed in the name of the organization if used primarily for transporting persons who have or would qualify for the parking privileges. The department may approve exceptions.

(6) Where does a qualifying organization obtain individual with disabilities parking placard(s) or disabled parking license plates? A qualifying organization can obtain disabled parking placard(s) and disabled parking license plates at most Washington vehicle licensing offices.

(7) Is a qualifying organization issued an identification card? No.

(8) When do the disabled parking license plates or placard(s) for organizations expire? The parking placard(s) expires five years from the date of issuance, on the last day of the month specified on the placard. Example: If the placard is marked to expire in May 2008, it expires May 31, 2008.

Note: License plates also carry the expiration of your vehicle registration and must be renewed annually.

(9) When are the disabled parking license plates and/or placard(s) no longer valid? The individual with disabled parking license plates are no longer valid when:

- (a) The plates/placard(s) expire;
- (b) The privilege expires;
- (c) The vehicle is no longer being used for the purpose of transporting individuals with disabilities;
- (d) The disabled parking license plates/placard(s) have been canceled by department administrative action;

- (e) The organization no longer qualifies;
- (f) The organization's business license is canceled or expires;
- (g) If the privilege was issued in error; or
- (h) If the organization fails to return the annual report by April 30th.

(10) **How does an organization replace placards or disabled parking license plates if they become lost, mutilated, destroyed, or stolen?** The organization must complete and sign a statement explaining what happened to the placards or plates and pay replacement fees. Replacement permanent parking placards or disabled parking license plates will be issued indicating the original expiration date. This voids the previously issued permanent placards or plates.

Note: If the license plate has been reported as stolen or if the department record indicates the vehicle has been stolen, the same number/letter combination will not be issued. This is a law enforcement issue and is for the protection of the public.

(11) **How does an organization renew its permanent disabled parking placard(s)?** The department will send a renewal notice to the organization before the privilege expires. The organization must submit the completed and signed renewal notice or a new application. Upon approval of the completed and signed renewal notice or application, the department will issue new placards.

(12) **Does an organization qualify for disabled parking license plate tabs?** No.

[Statutory Authority: RCW 46.16.381, 06-19-079, § 308-96B-030, filed 9/19/06, effective 10/20/06.]

Chapter 308-97 WAC

VEHICLE LICENSE INTERSTATE AND INTRANSIT PERMITS

WAC

308-97-011	Definitions.
308-97-125	Display of trip permits.
308-97-230	Appointment of vehicle trip permit agents.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

308-97-010	Definitions. [Order MV-369, § 308-97-010, filed 6/24/76.] Repealed by 98-23-026, filed 11/9/98, effective 12/10/98. Statutory Authority: RCW 46.16.160.
308-97-050	"Gross weight" defined. [Order 471-DOL, § 308-97-050, filed 12/30/77; Order MV-369, § 308-97-050, filed 6/24/76.] Repealed by 81-16-010 (Order DOL 634), filed 7/24/81. Statutory Authority: RCW 46.16.160.
308-97-060	Duration, weight limit and converter gear. [Statutory Authority: RCW 46.16.160, 81-16-010 (Order DOL 634), § 308-97-060, filed 7/24/81.] Repealed by 98-23-026, filed 11/9/98, effective 12/10/98. Statutory Authority: RCW 46.16.160.
308-97-080	"Interstate operation" defined. [Order MV-369, § 308-97-080, filed 6/24/76.] Repealed by 81-16-010 (Order DOL 634), filed 7/24/81. Statutory Authority: RCW 46.16.160.
308-97-090	Completing trip permits. [Statutory Authority: RCW 46.16.160, 81-16-010 (Order DOL 634), § 308-97-090, filed 7/24/81.] Repealed by 98-23-026, filed 11/9/98, effective 12/10/98. Statutory Authority: RCW 46.16.160.
308-97-100	Prerequisites and conditions for interstate permits issued under RCW 46.16.160. [Order MV-369, § 308-97-100, filed 6/24/76.] Repealed by 81-16-010 (Order DOL 634), filed 7/24/81. Statutory Authority: RCW 46.16.160.

308-97-150	Prerequisites and conditions for intransit permits issued pursuant to RCW 46.16.160. [Order MV-369, § 308-97-150, filed 6/24/76.] Repealed by 81-16-010 (Order DOL 634), filed 7/24/81. Statutory Authority: RCW 46.16.160.
308-97-175	Bulk purchase of trip permits. [Statutory Authority: RCW 46.16.160, 81-16-010 (Order DOL 634), § 308-97-175, filed 7/24/81.] Repealed by 98-23-026, filed 11/9/98, effective 12/10/98. Statutory Authority: RCW 46.16.160.
308-97-200	Fees—Both interstate and intransit permits. [Order MV-369, § 308-97-200, filed 6/24/76.] Repealed by 81-16-010 (Order DOL 634), filed 7/24/81. Statutory Authority: RCW 46.16.160.
308-97-205	Design of trip permit. [Statutory Authority: RCW 46.16.160, 81-16-010 (Order DOL 634), § 308-97-205, filed 7/24/81.] Repealed by 98-23-026, filed 11/9/98, effective 12/10/98. Statutory Authority: RCW 46.16.160.
308-97-210	Intransit permits. [Order 471-DOL, § 308-97-210, filed 12/30/77; Order MV-369, § 308-97-210, filed 6/24/76.] Repealed by 81-16-010 (Order DOL 634), filed 7/24/81. Statutory Authority: RCW 46.16.160.
308-97-250	Issuance of permit books to authorized users. [Order MV-369, § 308-97-250, filed 6/24/76.] Repealed by 81-16-010 (Order DOL 634), filed 7/24/81. Statutory Authority: RCW 46.16.160.
308-97-270	Use of permit books restricted. [Order 472-DOL, § 308-97-270, filed 12/30/77.] Repealed by 81-16-010 (Order DOL 634), filed 7/24/81. Statutory Authority: RCW 46.16.160.
308-97-290	Misuse of permits by authorized user. [Order MV-369, § 308-97-290, filed 6/24/76.] Repealed by 81-16-010 (Order DOL 634), filed 7/24/81. Statutory Authority: RCW 46.16.160.
308-97-330	Payment of permit fees. [Order MV-369, § 308-97-330, filed 6/24/76.] Repealed by 81-16-010 (Order DOL 634), filed 7/24/81. Statutory Authority: RCW 46.16.160.
308-97-370	Maintenance of records by authorized permit users. [Order MV-369, § 308-97-370, filed 6/24/76.] Repealed by 81-16-010 (Order DOL 634), filed 7/24/81. Statutory Authority: RCW 46.16.160.
308-97-410	Director may decline to issue permit books. [Order MV-369, § 308-97-410, filed 6/24/76.] Repealed by 81-16-010 (Order DOL 634), filed 7/24/81. Statutory Authority: RCW 46.16.160.

WAC 308-97-011 Definitions. "Motor carrier" means an entity engaged in the transportation of goods or persons. The term includes a for-hire motor carrier, private motor carrier, contract motor carrier, or exempt motor carrier.

[Statutory Authority: RCW 46.16.160, 06-06-087, § 308-97-011, filed 3/1/06, effective 4/1/06; 04-01-163, § 308-97-011, filed 12/22/03, effective 1/22/04. Statutory Authority: RCW 46.16.160 and 88.38.100, 00-07-053, § 308-97-011, filed 3/8/00, effective 4/8/00.]

WAC 308-97-125 Display of trip permits. How is a trip permit displayed?

The vehicle display copy of the trip permit must be displayed as indicated below. Locations for display are indicated in relation to the vehicle driver when seated in the vehicle.

(1) Passenger cars, neighborhood electric vehicles (NEV), small trucks and campers: Affix permit to the inside lower left corner of the rear window, upright so that it may be easily read.

(2) Trucks, tractors, truck tractors and motor homes: Affix permit to the inside lower right corner of the windshield.

(3) Trailers, semi-trailer, motorcycles and mopeds: Permit must be in possession of the vehicle operator (driver) or driver of the power unit pulling it.

(4) If display of the permit as prescribed above would obstruct the operator's vision, the permit will be displayed in

an alternate location, which is visible from outside the vehicle and does not obstruct the operator's view.

[Statutory Authority: RCW 46.16.160. 04-01-163, § 308-97-125, filed 12/22/03, effective 1/22/04; 98-23-026, § 308-97-125, filed 11/9/98, effective 12/10/98; 81-16-010 (Order DOL 634), § 308-97-125, filed 7/24/81.]

WAC 308-97-230 Appointment of vehicle trip permit agents. (1) Who can sell vehicle trip permits?

Government agencies and nongovernmental organizations, including:

- (a) Department of transportation;
- (b) Department of licensing;
- (c) County auditors;
- (d) Vehicle licensing offices; and
- (e) Private businesses approved by the department of licensing.

(2) How does a private business obtain approval to sell vehicle trip permits?

- (a) Apply to the department of licensing;
- (b) Enter into a written agreement with the department;
- (c) Provide a surety bond; and
- (d) Provide fee schedule if issuing permits electronically.

(3) How does a private business obtain an application to sell vehicle trip permits?

Obtain an application form from the department of licensing, prorate and fuel tax section.

(4) What are you required to do under the agreement?

You are required to:

- (a) Pay fees on time;
- (b) Make your records available for audit;
- (c) Pay all interest and penalties;
- (d) Maintain records of transmittals for a period of four calendar years and have these records available to the department during business hours;
- (e) Send transmittals to the department on a bimonthly basis. Transmittals must be included with the appropriate fees; and
- (f) Pay the department for any unaccounted for permit(s).

(5) What are the requirements of a surety bond?

The bond must:

- (a) Be on a form provided by the department of licensing; and
- (b) Meet the requirements of chapter 48.28 RCW for a corporate surety bond; and
- (c) Be signed by the applicant; and
- (d) Be payable to the state of Washington; and
- (e) Be conditioned upon the performance of all the requirements of this section and RCW 46.16.160; and
- (f) Require payment of all permit fees, audit assessments, interest and penalties; and
- (g) Be equal to the value of vehicle trip permits issued to the agent by the department.

(6) How can vehicle trip permits be issued?

Permits can be issued in original form or, by fax, or electronic means.

(7) If the permit is issued by fax or other electronic means, can an additional fee be collected?

Yes. As long as the fee does not exceed that listed on the schedule filed with the department.

(2007 Ed.)

(8) What happens if you fail to comply with the agreement?

The department can revoke your appointment if you have violated any provisions of the agreement. Upon notice you must return all remaining vehicle trip permits and all money owed to the department.

[Statutory Authority: RCW 46.16.160. 06-06-087, § 308-97-230, filed 3/1/06, effective 4/1/06; 04-01-163, § 308-97-230, filed 12/22/03, effective 1/22/04. Statutory Authority: RCW 46.01.110 and chapter 82.44 RCW. 01-17-085, § 308-97-230, filed 8/17/01, effective 9/17/01. Statutory Authority: RCW 46.16.160. 98-23-026, § 308-97-230, filed 11/9/98, effective 12/10/98; 81-16-010 (Order DOL 634), § 308-97-230, filed 7/24/81. Statutory Authority: RCW 46.01.110. 80-13-001 (Order DOL 591), § 308-97-230, filed 9/4/80.]

Chapter 308-99 WAC VEHICLE RECIPROCITY

WAC

308-99-020	Definitions.
308-99-040	Restrictions and conditions.
308-99-060	Reciprocity for leased and rented vehicles.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

308-99-010	Applications. [Statutory Authority: RCW 46.01.110, 46.16.276 and 46.85.060 as amended by 1987 c 142 § 4. 87-21-013 (Order TL/RG 37), § 308-99-010, filed 10/9/87. Statutory Authority: RCW 46.85.060. 85-20-080 (Order TL/RG 17), § 308-99-010, filed 9/30/85. Statutory Authority: 1982 c 227 § 18 et seq. 83-19-009 (Order 729-DOL), § 308-99-010, filed 9/9/83. Formerly WAC 410-20-010.] Repealed by 00-20-064, filed 10/3/00, effective 11/3/00. Statutory Authority: RCW 46.01.110.
308-99-021	"Washington public assistance programs" criteria. [Statutory Authority: RCW 46.01.110, 46.16.276 and 46.85.060 as amended by 1987 c 142 § 4. 87-21-013 (Order TL/RG 37), § 308-99-021, filed 10/9/87. Statutory Authority: RCW 46.85.060, 46.16.028 and 46.01.110. 86-14-016 (Order TL/RG 26), § 308-99-021, filed 6/24/86.] Repealed by 00-20-064, filed 10/3/00, effective 11/3/00. Statutory Authority: RCW 46.01.110.
308-99-025	Registration required. [Statutory Authority: RCW 46.01.110, 46.16.287 [46.16.276] and 46.87.010. 89-20-043, § 308-99-025, filed 10/2/89, effective 11/2/89. Statutory Authority: RCW 46.01.110, 46.16.276 and 46.85.060 as amended by 1987 c 142 § 4. 87-21-013 (Order TL/RG 37), § 308-99-025, filed 10/9/87. Statutory Authority: RCW 46.85.060. 85-20-080 (Order TL/RG 17), § 308-99-025, filed 9/30/85.] Repealed by 00-20-064, filed 10/3/00, effective 11/3/00. Statutory Authority: RCW 46.01.110.
308-99-030	Basic policy defined. [Statutory Authority: 1982 c 227 § 18 et seq. 83-19-009 (Order 729-DOL), § 308-99-030, filed 9/9/83. Formerly WAC 410-20-030.] Repealed by 00-20-064, filed 10/3/00, effective 11/3/00. Statutory Authority: RCW 46.01.110.
308-99-050	Commercial vehicle reciprocity. [Statutory Authority: RCW 46.01.110, 46.16.287 [46.16.276] and 46.87.010. 89-20-043, § 308-99-050, filed 10/2/89, effective 11/2/89.] Repealed by 00-20-064, filed 10/3/00, effective 11/3/00. Statutory Authority: RCW 46.01.110.

WAC 308-99-020 Definitions. (1) What is a resident?

For the purposes of this section, a resident is a natural person who lives or shows intent to live in this state on more than a temporary or transient basis.

You will be presumed a resident if you meet one of the following:

- (a) You are a registered voter in this state; or

(b) You receive benefits under one of the Washington public assistance programs; or

(c) You declare that you are a resident for the purpose of obtaining a state driver's license, a hunting or fishing license or tuition fees at resident rates.

A natural person may be a resident of this state even though that person has or claims residency or domicile in another state or intends to leave this state at some future time. A natural person will be presumed a resident if at least two of the following conditions are met:

(i) You maintain a residence in this state for personal use;

(ii) You have a Washington state driver's license or a Washington state resident hunting or fishing license;

(iii) You use a Washington state address for federal income tax or state tax purposes;

(iv) You have previously maintained a residence in this state for personal use and have not established a permanent residence outside the state of Washington (for example, a person who retires and lives in a motor home or vessel which is not permanently attached to any property);

(v) You claim this state as residence for obtaining eligibility to hold a public office or for judicial actions;

(vi) You are a custodial parent with a child attending public schools in this state.

The department may consider factors other than those listed in this subsection to determine that a person intends to be located in or be a resident of this state. However, the department may not consider those factors alone to presume residency.

A natural person who is a resident of Washington may not form a corporation, trust or other entity in another jurisdiction for the purpose of evading Washington vehicle registration.

(2) **Who are "military personnel"?** "Military personnel" means active duty members of the United States armed forces including the United States Coast Guard, Army, Navy, Marines, Air Force, commissioned officers of the public health service, personnel from National Oceanographic and Atmospheric Agency, and members of foreign military organizations assigned to this state on official duty. Coast guard personnel living in Washington and assigned to duty in the Portland area are also entitled to a nonresident military exemption.

(3) **What is a "jurisdiction"?** "Jurisdiction" means a state, territory, or possession of the United States, the District of Columbia, or a state or province of a country.

(4) **What is "reciprocity"?** "Reciprocity" means an agreement with another jurisdiction granting mutual benefits, privileges, or exemptions from payment of vehicle registration fees. Reciprocity will only be extended to vehicles that are properly registered in another jurisdiction.

(5) **What is a "Washington public assistance program"?** "Washington public assistance program" is defined in RCW 46.16.028.

(6) **What is a "natural person"?** For the purpose of this section, a "natural person" is a human being, as distinguished from an artificial person created by law.

[Statutory Authority: RCW 46.01.110, 05-01-048, § 308-99-020, filed 12/7/04, effective 1/7/05; 00-20-064, § 308-99-020, filed 10/3/00, effective 11/3/00. Statutory Authority: RCW 46.01.110, 46.16.276 and 46.85.060 as

amended by 1987 c 142 § 4, 87-21-013 (Order TL/RG 37), § 308-99-020, filed 10/9/87. Statutory Authority: RCW 46.85.060, 46.16.028 and 46.01.110, 86-14-016 (Order TL/RG 26), § 308-99-020, filed 6/24/86. Statutory Authority: RCW 46.85.060, 85-20-080 (Order TL/RG 17), § 308-99-020, filed 9/30/85. Statutory Authority: 1982 c 227 § 18 et seq. 83-19-009 (Order 729-DOL), § 308-99-020, filed 9/9/83. Formerly WAC 410-20-020.]

WAC 308-99-040 Restrictions and conditions. May a vehicle properly licensed or registered in another jurisdiction be operated in Washington without further registration requirements? Yes, as provided in RCW 46.85.060 and 46.85.080 the following conditions and restrictions apply:

(1) **Nonresident students:** The student must be in full-time attendance at a college or university in Washington accredited by the Northwest Association of Schools and Colleges or at a private vocational school as that term is defined by RCW 28C.10.020(7) and maintain their legal home of record at a location outside the state of Washington. Vehicles must be registered in the student's or in the name of their parent or legal guardian in the resident state of record. The student must carry documentation issued by the college, university or vocational school that readily establishes the nonresident status. Employment incidental to the full-time student status is permitted. The spouse of a nonresident student has the same licensing privilege as long as the vehicle is registered to the student or jointly to the student and spouse, regardless of the spouse's legal residence or employment.

(2) **Nonresident military personnel:** Vehicles must be currently registered in the name of the military person at their official home of record. A vehicle licensed at the last duty station may be operated until the current registration expires at which time the vehicle must be licensed in the military person's home of record or in Washington. The spouse of a nonresident military person has the same licensing privilege as long as the vehicle is registered to the military person or jointly to the military person and spouse, regardless of the spouse's legal residence or employment.

(3) **Borrowed vehicle:** A borrowed vehicle currently licensed in another jurisdiction may be operated by a Washington resident for a period not to exceed ten days in any one calendar year. If the period of use exceeds ten days the vehicle must be registered and licensed in Washington. This provision does not apply to business vehicles.

(4) **Vehicles undergoing repairs:** Commercial vehicles having a gross weight or combined gross weight of over 26,000 pounds and properly registered and licensed in another state or Canadian Province may enter Washington for purposes of repair under the following conditions:

(a) The vehicle must enter the state unladen and proceed immediately to the repair facility.

(b) The vehicle must immediately leave the state, unladen, upon completion of repairs.

(c) The vehicle cannot be used for any commercial activity while in Washington.

(d) The repair facility must be located within fifteen miles of the Washington border.

(e) While in Washington, the vehicle must carry the following documentation:

(i) An "out-of-state vehicle repair statement of fact." Blank forms are available from the department of licensing internet site at www.gov.wa/dol.

(ii) A copy of the vehicle repair work order issued by the repair facility before the vehicle enters Washington.

(f) The repair facility must maintain a copy of the "out-of-state vehicle repair statement of fact" and vehicle repair work order for a period of five years. The repair facility must make the forms available for inspection by state agency representatives.

[Statutory Authority: RCW 46.01.110. 05-01-048, § 308-99-040, filed 12/7/04, effective 1/7/05. Statutory Authority: RCW 46.85.060. 03-04-092, § 308-99-040, filed 2/4/03, effective 3/7/03. Statutory Authority: RCW 46.01.110. 00-20-064, § 308-99-040, filed 10/3/00, effective 11/3/00. Statutory Authority: RCW 46.01.110. 46.16.276 and 46.85.060 as amended by 1987 c 142 § 4. 87-21-013 (Order TL/RG 37), § 308-99-040, filed 10/9/87. Statutory Authority: RCW 46.01.110. 87-01-029 (Order 800-DOL), § 308-99-040, filed 12/11/86. Statutory Authority: RCW 46.85.060. 86-02-056 (Order TL-RG-22), § 308-99-040, filed 12/31/85; 85-20-080 (Order TL/RG 17), § 308-99-040, filed 9/30/85. Statutory Authority: 1982 c 227 § 18 et seq. 83-19-009 (Order 729-DOL), § 308-99-040, filed 9/9/83. Formerly WAC 410-20-040.]

WAC 308-99-060 Reciprocity for leased and rented vehicles. Is there vehicle license reciprocity for rental or leased vehicles? Yes, unless there is an agreement or arrangement to the contrary. The classes of vehicles and circumstances indicated below are eligible for reciprocity:

(1) Passenger cars and motor homes currently and properly registered in another jurisdiction will be granted vehicle license reciprocity in this state if:

(a) The vehicle was rented by the vehicle operator from a location outside of the state of Washington;

(b) The vehicle was dropped off in Washington by the previous renter and is being rented for a one-way trip out of Washington; or

(c) The vehicle is registered under the provisions of Article XI, Section 1116 of the International Registration Plan.

(2) Trailers and semi-trailers with a gross vehicle weight in excess of 6,000 pounds, trucks, truck tractors, tractors, and road tractors that are currently and properly registered in other jurisdictions will be granted vehicle license reciprocity in this state if:

(a) The vehicle is rented from a location within another jurisdiction; and

(b) The actual vehicle registration certificate (cab card) or a photo copy of the vehicle registration certificate and a copy of the rental agreement is carried in the rental vehicle or in the vehicle providing the motive power for a combination of vehicles.

[Statutory Authority: RCW 46.01.110. 05-01-048, § 308-99-060, filed 12/7/04, effective 1/7/05; 00-20-064, § 308-99-060, filed 10/3/00, effective 11/3/00.]

Chapter 308-100 WAC

DRIVERS' LICENSES—SPECIAL PROVISIONS

WAC

308-100-010	Vehicles requiring a commercial driver's license for their operation.
308-100-020	Commercial driver's license—Eligibility.
308-100-040	Examination requirement for commercial driver's license.
308-100-050	Fees.
308-100-060	Waiver applications and forms.
308-100-090	Commercial motor vehicle instruction permits.
308-100-100	Intrastate waiver.
308-100-110	Expiration [date]—Extension or renewal by mail.
308-100-120	Extra-territorial convictions—Notification.

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308-100-130	Serious traffic violations.
308-100-140	Third party tester.
308-100-150	Third party tester—Qualifications.
308-100-160	Test requirements.
308-100-170	Test route approval.
308-100-180	Third party testing fee.
308-100-190	Requirements for exceeding base fee.
308-100-200	Third party tester—Termination.
308-100-210	Recreational vehicle—Definition.
308-100-400	Formal hearings—Continuances.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

308-100-030	Motor vehicles which may be operated pursuant to the endorsement. [Statutory Authority: RCW 46.01.110 and 1989 c 178 §§ 3, 5, 8 and 16. 89-18-003, § 308-100-030, filed 8/24/89, effective 9/24/89; Order 1, § 308-100-030, filed 1/5/68.] Repealed by 93-22-071, filed 11/1/93, effective 12/2/93. Statutory Authority: RCW 46.01.110.
308-100-070	Effective date for endorsement requirements. [Order 1, § 308-100-070, filed 1/5/68.] Repealed by 82-03-046 (Order 668 DOL), filed 1/19/82. Statutory Authority: RCW 46.01.110.
308-100-080	Definition of terms. [Order 106 MV, § 308-100-080, filed 8/17/71; Order 691101, § 308-100-080, filed 11/26/69; Order 1, § 308-100-080, filed 1/5/68.] Repealed by 89-18-003, filed 8/24/89, effective 9/24/89. Statutory Authority: RCW 46.01.110 and 1989 c 178 §§ 3, 5, 8 and 16.

WAC 308-100-010 Vehicles requiring a commercial driver's license for their operation. The director of the department of licensing hereby finds that the following vehicles require special operating skills by the drivers of those vehicles:

(1) Single vehicles with a gross vehicle weight rating (GVWR) of 26,001 pounds or more;

(2) Any combination of vehicles where:

(a) The vehicle being driven has a GVWR of 26,001 pounds or more; or

(b) The vehicle being towed has a GVWR of 10,001 pounds or more and the gross combination weight rating (GCWR) of the vehicles is 26,001 pounds or more;

(3) Vehicles designed to transport sixteen or more passengers, including the driver;

(4) Vehicles used in the transportation of hazardous materials that requires the vehicle to be identified with a placard under 49 C.F.R., part 172, subpart F; and

(5) All public school buses, regardless of capacity.

All persons driving such vehicles, other than those exempt under RCW 46.25.050, must have a commercial driver's license with the proper classification(s) and endorsements.

As used in this section, "gross vehicle weight rating" has the meaning defined by RCW 46.25.010(12).

[Statutory Authority: RCW 46.01.110, 46.25.010, 46.25.060, and 46.25.140. 00-18-068, § 308-100-010, filed 9/1/00, effective 10/2/00. Statutory Authority: RCW 46.01.110 and 46.25.140. 90-17-028, § 308-100-010, filed 8/8/90, effective 9/8/90. Statutory Authority: RCW 46.01.110 and 1989 c 178 §§ 3, 5, 8 and 16. 89-18-003, § 308-100-010, filed 8/24/89, effective 9/24/89. Statutory Authority: RCW 46.01.110. 87-19-129 (Order DS 3), § 308-100-010, filed 9/22/87; 82-03-046 (Order 668 DOL), § 308-100-010, filed 1/19/82; Order 106 MV, § 308-100-010, filed 8/17/71; Order 691101, § 308-100-010, filed 11/26/69; Order 1, § 308-100-010, filed 1/5/68.]

WAC 308-100-020 Commercial driver's license—Eligibility. Any person who is at least eighteen years of age

and who meets the requirements of chapter 46.25 RCW may apply to the department for a commercial driver's license.

[Statutory Authority: RCW 46.01.110, 46.25.010, 46.25.060, and 46.25.140. 00-18-068, § 308-100-020, filed 9/1/00, effective 10/2/00. Statutory Authority: RCW 46.01.110 and 1989 c 178 §§ 3, 5, 8 and 16. 89-18-003, § 308-100-020, filed 8/24/89, effective 9/24/89. Statutory Authority: RCW 46.01.110. 82-03-046 (Order 668 DOL), § 308-100-020, filed 1/19/82; Order 106 MV, § 308-100-020, filed 8/17/71; Order 1, § 308-100-020, filed 1/5/68.]

WAC 308-100-040 Examination requirement for commercial driver's license. Persons receiving a commercial driver's license by virtue of a waiver will be required to pass a written examination testing their knowledge of motor vehicle laws, rules of the road, and of the class of vehicle for which they are seeking the commercial driver's license.

Persons who receive a commercial driver's license, without a waiver, will be required to pass a written examination testing their knowledge of motor vehicle laws, rules of the road, and of the class of vehicle for which they are seeking the commercial driver's license. They will also be required to demonstrate successfully their operating abilities for the class of vehicle for which they seek the commercial driver's license.

The department may conduct written examinations in a group setting. Group examinations may be conducted at job sites, union halls, or other locations deemed appropriate by the department. If the department is conducting the written examination in a group setting, the payment of the basic fee and knowledge examination fee may be deferred until the applicant completes his or her application for a commercial driver's license.

[Statutory Authority: RCW 46.01.110, 46.25.010, 46.25.060, and 46.25.140. 00-18-068, § 308-100-040, filed 9/1/00, effective 10/2/00. Statutory Authority: RCW 46.01.110 and 1989 c 178 §§ 3, 5, 8 and 16. 89-18-003, § 308-100-040, filed 8/24/89, effective 9/24/89; Order 1, § 308-100-040, filed 1/5/68.]

WAC 308-100-050 Fees. The basic fee for obtaining or renewing any class of commercial driver's license shall be twenty dollars, unless the commercial driver's license is renewed or extended for a period other than five years, in which case the fee for each class shall not exceed four dollars for each year that the commercial driver's license is renewed or extended. The examination fee for each commercial driver's license knowledge examination, commercial driver's license endorsement knowledge examination, or any combination of commercial driver's license and endorsement knowledge examinations, shall be ten dollars. The examination fee for each commercial driver's license skill examination conducted by the department shall be fifty dollars. An application for a commercial driver's instruction permit shall be accompanied by a fee of five dollars. Drivers selected for reexamination by the department may be subject to cost associated with the testing. These fees are in addition to the regular drivers' licensing fees.

[Statutory Authority: RCW 46.01.110, 46.25.010, 46.25.060, and 46.25.140. 00-18-068, § 308-100-050, filed 9/1/00, effective 10/2/00. Statutory Authority: RCW 46.01.110, 46.20.470 and 46.20.505. 00-02-017, § 308-100-050, filed 12/27/99, effective 7/1/00. Statutory Authority: RCW 46.01.110 and 1989 c 178 §§ 3, 5, 8 and 16. 89-18-003, § 308-100-050, filed 8/24/89, effective 9/24/89. Statutory Authority: RCW 46.01.110. 82-03-046

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(Order 668 DOL), § 308-100-050, filed 1/19/82; Order 691101, § 308-100-050, filed 11/26/69; Order 1, § 308-100-050, filed 1/5/68.]

WAC 308-100-060 Waiver applications and forms. An application for a waiver from examination must be submitted on forms supplied by the department of licensing.

[Statutory Authority: RCW 46.01.110. 82-03-046 (Order 668 DOL), § 308-100-060, filed 1/19/82; Order 691101, § 308-100-060, filed 11/26/69; Order 1, § 308-100-060, filed 1/5/68.]

WAC 308-100-090 Commercial motor vehicle instruction permits. Any person who is at least eighteen years of age and who meets the requirements of RCW 46.25.060(4) may apply to the department for an instruction permit for the operation of a commercial motor vehicle. When operating a commercial motor vehicle on a highway, the instruction permit holder must be accompanied by the holder of a commercial driver's license valid for the vehicle being driven, with no less than two years of driving experience with the class of commercial motor vehicle being operated, and no less than five years of total driving experience. The holder of the commercial driver's license must occupy the seat beside the individual for the purpose of giving instruction in driving the commercial motor vehicle.

[Statutory Authority: RCW 46.01.110, 46.25.060, 46.25.140. 03-10-024, § 308-100-090, filed 4/28/03, effective 5/29/03; Order 108 MV, § 308-100-090, filed 9/14/71.]

WAC 308-100-100 Intrastate waiver. A person who is not physically qualified to drive a commercial motor vehicle under section 391.41 of the Federal Motor Carrier Safety Regulations (49 C.F.R. 391.41), and who is otherwise qualified to drive a motor vehicle in the state of Washington, may apply to the department of licensing for an intrastate waiver. Upon receipt of the application for an intrastate waiver, the department shall review and evaluate the driver's physical qualifications to operate a motor vehicle in the state of Washington, and shall issue an intrastate waiver if the applicant meets all applicable licensing requirements and is qualified to operate a motor vehicle within the state of Washington.

[Statutory Authority: RCW 46.01.110, 46.25.010, 46.25.060, and 46.25.140. 00-18-068, § 308-100-100, filed 9/1/00, effective 10/2/00. Statutory Authority: RCW 46.01.110 and 1989 c 178 §§ 3, 5, 8 and 16. 89-18-003, § 308-100-100, filed 8/24/89, effective 9/24/89.]

WAC 308-100-110 Expiration [date]—Extension or renewal by mail. Except as otherwise provided by this section, any person who is outside the state at the time his or her commercial driver's license expires may request an extension or renewal by mail as permitted by RCW 46.20.120(3). The department shall not renew an endorsement to a commercial driver's license for the operation of a vehicle transporting hazardous materials by mail, and any extension granted for such endorsement shall be for no more than forty-five days after the date the commercial driver's license would normally expire.

[Statutory Authority: RCW 46.01.110, 46.25.010, 46.25.060, and 46.25.140. 00-18-068, § 308-100-110, filed 9/1/00, effective 10/2/00. Statutory Authority: RCW 46.01.110 and 1989 c 178 §§ 3, 5, 8 and 16. 89-18-003, § 308-100-110, filed 8/24/89, effective 9/24/89.]

(2007 Ed.)

Reviser's note: RCW 34.05.395 requires the use of underlining and deletion marks to indicate amendments to existing rules, and deems ineffectual changes not filed by the agency in this manner. The bracketed material in the above section does not appear to conform to the statutory requirement.

WAC 308-100-120 Extra-territorial convictions—Notification. A driver of a commercial motor vehicle required to notify the department of an extra-territorial conviction under the provisions of section 5, chapter 178, Laws of 1989, shall make such notification on a form provided by the department, or by other correspondence providing the information required on the department's form.

[Statutory Authority: RCW 46.01.110 and 1989 c 178 §§ 3, 5, 8 and 16. 89-18-003, § 308-100-120, filed 8/24/89, effective 9/24/89.]

WAC 308-100-130 Serious traffic violations. In addition to the violations enumerated in RCW 46.25.010(16), "Serious traffic violation" shall include:

- (1) Negligent driving in the first or second degree, as defined by RCW 46.61.5249 or 46.61.525;
- (2) Following too closely, as defined by RCW 46.61.145;
- (3) Failure to stop, as defined by RCW 46.61.055, 46.61.065, 46.61.195, 46.61.200, 46.61.340, 46.61.345, 46.61.350, 46.61.365, 46.61.370, or 46.61.375;
- (4) Failure to yield right of way, as defined by RCW 46.61.180, 46.61.185, 46.61.190, 46.61.202, 46.61.205, 46.61.210, 46.61.215, 46.61.220, 46.61.235, 46.61.245, 46.61.261, 46.61.300, or 46.61.427;
- (5) Speed too fast for conditions, as defined by RCW 46.61.400;
- (6) Improper lane change or travel, as defined by RCW 46.61.140; and
- (7) Improper or erratic lane changes, including:
 - (a) Improper overtaking on the right, as defined by RCW 46.61.115;
 - (b) Improper overtaking on the left, as defined by RCW 46.61.120; and
 - (c) Improper driving to left of center of roadway, as defined by RCW 46.61.125.

[Statutory Authority: RCW 46.01.110, 46.25.010, 46.25.060, and 46.25.140. 00-18-068, § 308-100-130, filed 9/1/00, effective 10/2/00. Statutory Authority: RCW 46.01.110 and 1989 c 178 §§ 3, 5, 8 and 16. 89-18-003, § 308-100-130, filed 8/24/89, effective 9/24/89.]

WAC 308-100-140 Third party tester. The department may enter into an agreement with third party testers to conduct the commercial driver's license classified skill examination. An agreement will only be made where the department has determined that a need for a third party tester exists in the location covered by the third party tester, and that the third party tester is otherwise qualified. In counties where there are no third party testers, or where not extending or renewing an agreement would result in no third party testers, the department will not base the determination of need solely on the expected number of applicants for a commercial driver's license in those locations. The department may suspend an agreement with a third party tester for any length of time upon a showing of good cause. An agreement between the department and a third party tester will be valid for no more than two years, provided that the department may extend an agreement for up to an additional two years at its discretion.

(2007 Ed.)

The department may renew an agreement if it has determined that a need for a third party tester still exists in the location covered by the third party tester.

[Statutory Authority: RCW 46.01.110 and 46.25.060. 02-04-076, § 308-100-140, filed 2/1/02, effective 3/4/02; 01-09-062, § 308-100-140, filed 4/16/01, effective 5/17/01. Statutory Authority: RCW 46.01.110, 46.25.010, 46.25.060, and 46.25.140. 00-18-068, § 308-100-140, filed 9/1/00, effective 10/2/00. Statutory Authority: RCW 46.01.110 and 1989 c 178 §§ 3, 5, 8 and 16. 89-18-003, § 308-100-140, filed 8/24/89, effective 9/24/89.]

WAC 308-100-150 Third party tester—Qualifications. A third party tester is a person meeting the minimum qualifications who is trained, tested and certified by the department to conduct a standardized behind-the-wheel test of a commercial driver, such test to be used in determining the driver's qualification to obtain a commercial driver's license. A person applying to be a third party tester must meet the following requirements:

- (1) Be qualified and licensed to operate and have no less than two years of experience operating vehicles representative of the class of vehicle for which he or she would conduct testing and has no less than five years of total driving experience;
- (2) A check of the person's driving record shows:
 - (a) The person has not been convicted or found to have committed any of the following offenses within the three year period preceding the date of application:
 - (i) Driving a motor vehicle while under the influence of alcohol or any drug;
 - (ii) Driving a commercial motor vehicle while the alcohol concentration in the person's system is 0.04 or more as determined by any testing methods approved by law in this state or any other state or jurisdiction;
 - (iii) Leaving the scene of an accident involving a commercial motor vehicle driven by the person;
 - (iv) Using a commercial motor vehicle in the commission of a felony; and
 - (v) Refusing to submit to a test to determine the driver's alcohol concentration while driving a motor vehicle;
 - (b) No more than one conviction or finding that the person committed a serious traffic violation, as defined in WAC 308-100-130 (**Serious traffic violations**), within three years preceding the date of application;
 - (c) No driver's license suspension, cancellation, revocation, disqualification, or denial within three years preceding the date of application; and
 - (d) No more than one conviction or finding that the person committed a moving traffic violation within one year or more than three convictions or findings that the person committed moving traffic violations within three years preceding the date of application. Defective equipment violations shall not be considered moving traffic violations for the purpose of determining the applicant's qualification;
- (3) Complete an acceptable application on a form prescribed by the department;
- (4) Have no conviction of a felony or any crime involving violence, dishonesty, deceit, indecency, degeneracy, or moral turpitude;
- (5) Maintain or be employed by a business or agency in which driver testing records would be maintained and avail-

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able to the state or federal representatives for announced or unannounced inspections and audits;

(6) Be or be employed by a licensed business or government agency within the state of Washington or within fifty miles of state boundaries;

(7) Submit to announced or unannounced audits; and

(8) Attend all training required by the department of licensing.

Failure to maintain the above qualifications will result in the termination of a third party tester agreement.

[Statutory Authority: RCW 46.01.110, 46.25.010, 46.25.060, and 46.25.140. 00-18-068, § 308-100-150, filed 9/1/00, effective 10/2/00. Statutory Authority: RCW 46.01.110 and 1989 c 178 §§ 3, 5, 8 and 16. 89-18-003, § 308-100-150, filed 8/24/89, effective 9/24/89.]

WAC 308-100-160 Test requirements. Any test conducted by a third party tester shall conform to the testing requirements established by the department. If the test includes additional requirements, the performance of an applicant for a commercial driver's license on the additional portions shall not be considered for commercial driver license skill testing purposes. Any applicant aggrieved by the outcome of a test conducted by a third party tester may petition the department for review of the scoring procedure used by the third party tester.

[Statutory Authority: RCW 46.01.110 and 1989 c 178 §§ 3, 5, 8 and 16. 89-18-003, § 308-100-160, filed 8/24/89, effective 9/24/89.]

WAC 308-100-170 Test route approval. The test route used by a third party tester must be approved by the department prior to its use for commercial driver license skill testing purposes.

[Statutory Authority: RCW 46.01.110 and 1989 c 178 §§ 3, 5, 8 and 16. 89-18-003, § 308-100-170, filed 8/24/89, effective 9/24/89.]

WAC 308-100-180 Third party testing fee. Except as provided in WAC 308-100-190 (Requirements for exceeding base fee), the base fee for each classified skill examination or combination of skill examinations conducted by a third party tester shall not be more than seventy-five dollars. The base fee shall apply only to the conducting of the examination, and is separate from any additional fees, such as vehicle use fees, which may be charged by the third party tester. Any additional fees to be charged shall be reported to the department.

[Statutory Authority: RCW 46.01.110, 46.25.060, 46.25.140. 03-10-024, § 308-100-180, filed 4/28/03, effective 5/29/03. Statutory Authority: RCW 46.01.110 and 1989 c 178 §§ 3, 5, 8 and 16. 89-18-003, § 308-100-180, filed 8/24/89, effective 9/24/89.]

WAC 308-100-190 Requirements for exceeding base fee. A third party tester may petition the department for a waiver of the skill examination fee ceiling imposed by WAC 308-100-180 (Third party testing fee). The third party tester shall indicate the amount of the proposed fee, the location of the test and provide detailed justification for the increase. The department may grant the higher fee, provided that the service cannot be performed within a reasonable time by another tester at the standard fee. The department will review any complaints regarding higher fees, and may impose a reduction where warranted.

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[Statutory Authority: RCW 46.01.110, 46.25.010, 46.25.060, and 46.25.140. 00-18-068, § 308-100-190, filed 9/1/00, effective 10/2/00. Statutory Authority: RCW 46.01.110 and 1989 c 178 §§ 3, 5, 8 and 16. 89-18-003, § 308-100-190, filed 8/24/89, effective 9/24/89.]

WAC 308-100-200 Third party tester—Termination.

The department may terminate an agreement with a third party tester providing commercial driver's license skill examinations where the volume of applicants for commercial driver's licenses makes such third party testing unnecessary, or upon a showing of good cause.

[Statutory Authority: RCW 46.01.110 and 1989 c 178 §§ 3, 5, 8 and 16. 89-18-003, § 308-100-200, filed 8/24/89, effective 9/24/89.]

WAC 308-100-210 Recreational vehicle—Definition.

For the purposes of RCW 46.25.050 (1)(c), the term "recreational vehicle" shall include vehicles used exclusively for noncommercial purposes which are:

(1) Primarily designed for recreational, camping, or travel use;

(2) Towing a horse trailer; or

(3) Rental trucks having no more than two axles (one steering and one drive axle) used strictly and exclusively to transport personal possessions.

[Statutory Authority: RCW 46.01.110 and 46.25.140. 90-17-028, § 308-100-210, filed 8/8/90, effective 9/8/90.]

WAC 308-100-400 Formal hearings—Continuances.

(1) After a hearing has been scheduled pursuant to RCW 46.25.120(5), it may be continued, rescheduled, or adjourned only at the discretion of the hearing officer.

(2) A hearing officer must continue a hearing scheduled pursuant to RCW 46.25.120(5) in the event a law enforcement officer whose attendance is required fails to appear. A hearing continued under this subsection must be adjourned until such time as the officer may be compelled to attend by issuance of a subpoena under RCW 46.20.332. A subpoena issued to compel the attendance of an officer is subject to enforcement under RCW 7.21.060.

[Statutory Authority: RCW 46.01.110, 46.20.308, 46.25.120. 06-15-081, § 308-100-400, filed 7/14/06, effective 8/14/06.]

Chapter 308-102 WAC

ADMINISTRATION OF THE FINANCIAL RESPONSIBILITY ACT—PROCEDURES

WAC

308-102-002	Declaration of purpose—Procedural rules.
308-102-004	Presiding officer.
308-102-006	Correspondence address.
308-102-008	Property damage threshold.
308-102-010	Order fixing amount of security.
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**DISPOSITION OF SECTIONS FORMERLY
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308-102-013	Amount of security—Exemption because of age of damaged vehicle. [Order 467-DOL, § 308-102-013, filed 12/30/77; Order 228, § 308-102-013, filed 12/31/74.] Repealed by 82-03-046 (Order 668 DOL), filed 1/19/82. Statutory Authority: RCW 46.01.110.	
308-102-030	Request for hearing—Form, effect, timeliness. [Order 103-MV, § 308-102-030, filed 8/17/71; Emergency Order 102-MVX, § 308-102-030, filed 4/2/71; Emergency Order 103-MVX, § 308-102-030, filed 6/4/71; Order 101-MV, § 308-102-030, filed 3/8/71.] Repealed by Order 102-MV, filed 5/12/71. See later adoption, Order 103-MV, § 308-102-0301, filed 8/17/71.	308-102-220
308-102-0301	Request for hearing—Form, effect, timeliness. [Order 103-MV, § 308-102-0301, filed 8/17/71, Formerly § 308-102-030, filed 3/8/71. See chapter digest for disposition of § 308-102-030.] Repealed by Order MV-302, filed 3/31/75.	308-102-230
308-102-035	Financial responsibility hearing committee established. [Order 103-MV, § 308-102-035, filed 8/17/71.] Repealed by Order MV-302, filed 3/31/75.	308-102-240
308-102-040	Hearing—Procedural rules. [Order 101-MV, § 308-102-040, filed 3/8/71.] Repealed by 92-08-045, filed 3/25/92, effective 4/25/92. Statutory Authority: RCW 46.01.110.	308-102-270
308-102-045	Hearing procedures. [Order 103-MV, § 308-102-045, filed 8/17/71.] Repealed by Order MV-302, filed 3/31/75.	308-102-280
308-102-050	Hearing—Issues. [Order 101-MV, § 308-102-050, filed 3/8/71.] Repealed by Order 102-MV, filed 5/12/71.	308-102-295
308-102-055	Issues to be determined by hearing committee. [Order 103-MV, § 308-102-055, filed 8/17/71.] Repealed by Order MV-302, filed 3/31/75.	
308-102-060	Hearing officer—Powers. [Order 101-MV, § 308-102-060, filed 3/8/71.] Repealed by Order 102-MV, filed 5/12/71.	
308-102-065	Notice that hearing may be requested. [Order 103-MV, § 308-102-065, filed 8/17/71.] Repealed by Order MV-302, filed 3/31/75.	
308-102-070	Correspondence address. [Order 103-MV, § 308-102-070, filed 8/17/71.] Repealed by Order MV-302, filed 3/31/75.	
308-102-075	Hearing committee—Powers. [Order 103-MV, § 308-102-075, filed 8/17/71.] Repealed by Order MV-302, filed 3/31/75.	
308-102-080	Hearing for person suspended prior to May 26, 1971. [Order 103-MV, § 308-102-080, filed 8/17/71.] Repealed by Order MV-302, filed 3/31/75.	
308-102-110	Conduct of document review or interview—Referee. [Order 466-DOL, § 308-102-110, filed 12/30/77; Order MV-302, § 308-102-110, filed 3/31/75.] Repealed by 92-08-045, filed 3/25/92, effective 4/25/92. Statutory Authority: RCW 46.01.110.	
308-102-120	Financial responsibility document review or interview. [Order MV-302, § 308-102-120, filed 3/31/75.] Repealed by 92-08-045, filed 3/25/92, effective 4/25/92. Statutory Authority: RCW 46.01.110.	
308-102-125	Discovery. [Order 466-DOL, § 308-102-125, filed 12/30/77; Order MV-302, § 308-102-125, filed 3/31/75.] Repealed by 92-08-045, filed 3/25/92, effective 4/25/92. Statutory Authority: RCW 46.01.110.	
308-102-150	Issues to be determined. [Order 467-DOL, § 308-102-150, filed 12/30/77; Order MV-302, § 308-102-150, filed 3/31/75.] Repealed by 92-08-045, filed 3/25/92, effective 4/25/92. Statutory Authority: RCW 46.01.110.	
308-102-160	Determination of possibility of judgment. [Order MV-302, § 308-102-160, filed 3/31/75.] Repealed by 92-08-045, filed 3/25/92, effective 4/25/92. Statutory Authority: RCW 46.01.110.	
308-102-170	Notice that interview or document review may be requested. [Order 466-DOL, § 308-102-170, filed 12/30/77; Order MV-302, § 308-102-170, filed 3/31/75.] Repealed by 92-08-045, filed 3/25/92, effective 4/25/92. Statutory Authority: RCW 46.01.110.	
308-102-180	Correspondence address. [Order 466-DOL, § 308-102-180, filed 12/30/77; Order MV-302, § 308-102-180, filed 3/31/75.] Repealed by 92-08-045, filed 3/25/92, effective 4/25/92. Statutory Authority: RCW 46.01.110.	
308-102-210	Formal hearing—Time and place. [Statutory Authority: RCW 46.01.110. 82-03-046 (Order 668 DOL), § 308-102-210, filed 1/19/82; Order MV-302, § 308-102-210, filed 3/31/75.] Repealed by 92-08-045, filed 3/25/92, effective 4/25/92. Statutory Authority: RCW 46.01.110.	
		308-102-220
		308-102-230
		308-102-240
		308-102-270
		308-102-280
		308-102-295

WAC 308-102-002 Declaration of purpose—Procedural rules. Chapter 308-102 WAC contains the rules of procedure used in the administration of the Financial Responsibility Act, chapter 46.29 RCW. Adjudicative proceedings conducted under the Financial Responsibility Act shall be held in accordance with the Administrative Procedure Act, chapter 34.05 RCW, and the rules published in chapter 10-08 and 308-08 WAC insofar as those rules are consistent with the rules adopted herein.

[Statutory Authority: RCW 46.01.110. 92-08-045, § 308-102-002, filed 3/25/92, effective 4/25/92.]

WAC 308-102-004 Presiding officer. Hearings, informal interviews and document reviews held under this chapter shall be conducted by a presiding officer who shall be delegated the authority to conduct such hearings, informal document reviews and interviews by the director. The presiding officer shall have the powers and duties provided by chapter 34.05 RCW, and may be authorized by the director to make final determinations regarding the issuance, denial, cancellation, or suspension or revocation of a driver's license or a nonresident's privilege to drive. If the presiding officer is authorized by the director to make final determinations, the decision shall be final.

If the presiding officer is not authorized to make final decisions the results shall be subject to review by the director or his or her designated representative. The director or his or her designated representative upon review of the records, the evidence, and the findings of the presiding officer shall promptly render his or her decision sustaining, modifying, or reversing any order entered by the department.

[Statutory Authority: RCW 46.01.110. 92-08-045, § 308-102-004, filed 3/25/92, effective 4/25/92.]

WAC 308-102-006 Correspondence address. All correspondence shall be addressed to the Department of Licensing, Hearings and Interviews Section, P.O. Box 9030, Olympia, WA 98507-9030, or sent by facsimile transmission (fax) to (360) 664-8492, attention Hearings and Interviews Section.

[Statutory Authority: RCW 46.01.110 and 46.20.205. 96-20-089, § 308-102-006, filed 10/1/96, effective 11/1/96. Statutory Authority: RCW 46.01.110. 92-08-045, § 308-102-006, filed 3/25/92, effective 4/25/92.]

WAC 308-102-008 Property damage threshold. In the case of property damage, the provisions of the Financial Responsibility Act shall apply where the damage to the property of any one person is of an apparent extent equal to or greater than five hundred dollars. In the event that this amount differs from that established by the chief of the Washington state patrol under the provisions of RCW 46.52.030, the amount established by the chief of the Washington state patrol shall prevail.

[Statutory Authority: RCW 46.01.110. 92-08-045, § 308-102-008, filed 3/25/92, effective 4/25/92.]

WAC 308-102-010 Order fixing amount of security. Whenever under the Financial Responsibility Act, the department fixes the amount of the security required of any person it shall forthwith notify the person of the amount so required by mailing to the person at his or her address as shown by department records, a notice of security stating the amount of the security required, the date by which the security must be posted, which shall be not less than twenty nor more than sixty days following the date of mailing, and which notice shall contain instructions pertaining to the filing of proof of financial responsibility.

[Statutory Authority: RCW 46.01.110. 92-08-045, § 308-102-010, filed 3/25/92, effective 4/25/92; Order 103-MV, § 308-102-010, filed 8/17/71; Order 101-MV, § 308-102-010, filed 3/8/71.]

WAC 308-102-011 Amount of security—How determined. The department shall determine the amount of security deposit required of any person upon the basis of reports submitted, such reports to be in a form provided by the department which must be completed by the parties who sustain a loss, or their successors in interest, or upon the basis of other information or evidence received by the department which provides sufficiently specific information for the department to enter its decision concerning the amount of security with reasonable certainty: Provided, That a fatality or fatalities will create the presumption that the amount shall be for the full amount of the limit provided by RCW 46.29.-090 in reference to the acceptable limits of a policy or bond. Failure to respond to a request for specific information within thirty days will allow the department to conclude that no claim is being pursued.

[Statutory Authority: RCW 46.01.110. 92-08-045, § 308-102-011, filed 3/25/92, effective 4/25/92; Order 228, § 308-102-011, filed 12/31/74.]

WAC 308-102-012 Amount of security—Effect of comparative negligence. The department may determine the percentage of negligence attributable to any person claiming injury or damage in twenty-five percentile units and then may reduce the amount of security in proportion to that percentage: Provided, That the department shall not require security if the person claiming injury or damage is ninety percent or more negligent.

[Statutory Authority: RCW 46.01.110. 82-03-046 (Order 668 DOL), § 308-102-012, filed 1/19/82; Order 228, § 308-102-012, filed 12/31/74.]

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WAC 308-102-020 Notice of intent to suspend. At the time the department mails a notice of security, it shall also mail a notice of intent to suspend. The notice of intent to suspend shall give notice to the person required to post security of the department's intention to suspend the person's driving privilege, the effective date of such suspension to be not less than twenty and not more than sixty days from the date of mailing. The grounds stated in the notice shall be: "Failure to deposit the security requirements and to file proof of financial responsibility." A person receiving a notice of intent to suspend may apply for administrative review under WAC 308-102-100. Failure to apply for administrative review within the time limits of WAC 308-102-100 shall constitute a default and shall result in the suspension becoming effective on the date indicated on the notice of intent to suspend and the loss of the right to further administrative review. In the event the person so notified posts the security and files proof of financial responsibility for the future within the time allowed for such purposes, no suspension shall be effected. The department may extend the effective date of the suspension where it appears the person suspended has made a bona fide attempt to file proof of financial responsibility for the future within the time permitted and will in all probability be able to do so within thirty days.

[Statutory Authority: RCW 46.01.110. 92-08-045, § 308-102-020, filed 3/25/92, effective 4/25/92; Order 103-MV, § 308-102-020, filed 8/17/71; Order 101-MV, § 308-102-020, filed 3/8/71.]

WAC 308-102-090 Agreements for payment of damages—Default notice. The department shall accept a notice of default on a payment agreement that was entered in lieu of the security deposit requirements as being effective only if that notice is received within three years of the date of the accident.

[Statutory Authority: RCW 46.20.391, 46.01.110 and 46.65.020. 86-07-018 (Order DS 2), § 308-102-090, filed 3/12/86; Order MV-172, § 308-102-090, filed 7/16/73.]

WAC 308-102-100 Request for informal settlement—Effect, timeliness. Pursuant to WAC 10-08-230, regarding informal settlements, any person notified of the requirement of depositing security and suspension for failure to deposit security under the Financial Responsibility Act, chapter 46.29 RCW, may within fifteen days of the date of the notice of intent to suspend his or her driver's license or nonresident privilege to drive request either an interview or document review before a presiding officer. The request may be oral or written, but if made orally, such request must be confirmed by the person in writing within five days following such request.

Upon receipt of a timely request for interview or document review, the suspension shall be stayed pending the outcome of the document review or interview.

If the person does not request a document review or interview within the time specified above, or fails to attend an interview scheduled at the person's request, said person shall have waived his or her right to any further administrative remedies, including the formal hearing, and the suspension of the person's driver's license or driving privilege shall become effective.

(2007 Ed.)

[Statutory Authority: RCW 46.01.110. 92-08-045, § 308-102-100, filed 3/25/92, effective 4/25/92. Statutory Authority: RCW 46.20.391, 46.01.110 and 46.65.020. 86-07-018 (Order DS 2), § 308-102-100, filed 3/12/86; Order 466-DOL, § 308-102-100, filed 12/30/77; Order MV-302, § 308-102-100, filed 3/31/75.]

WAC 308-102-130 Informal settlement—Document review. Document review shall be held before a presiding officer who, in making the decision, shall consider any of the following:

- (1) Affidavits filed by, for, and/or on behalf of the person seeking review, and/or by, for and/or on behalf of the individual(s) claiming the loss;
- (2) The financial responsibility files concerning the person seeking review;
- (3) The investigating officer's report of the accident;
- (4) Court records of any conviction or bail forfeiture of a traffic violation arising out of the accident; and
- (5) Any other evidence relevant to the issues to be determined.

[Statutory Authority: RCW 46.01.110. 92-08-045, § 308-102-130, filed 3/25/92, effective 4/25/92; Order MV-302, § 308-102-130, filed 3/31/75.]

WAC 308-102-140 Informal settlement—Interview. The interview shall be held before a presiding officer who, in making the decision, shall consider any of the following:

- (1) Oral testimony or argument offered by, for, or on behalf of the person seeking review;
- (2) Affidavits from the individuals claiming the loss and/or from a representative of any insurance carrier that has a subrogated interest therein;
- (3) Investigating officer's reports of the accident in question;
- (4) Court records of convictions or bail forfeitures submitted to the department of licensing and arising out of the accident in question;
- (5) The financial responsibility files concerning the person seeking review;
- (6) Affidavits or witness testimony of the person seeking review; and
- (7) Any other evidence relevant to the issues to be determined.

[Statutory Authority: RCW 46.01.110. 92-08-045, § 308-102-140, filed 3/25/92, effective 4/25/92; Order 466-DOL, § 308-102-140, filed 12/30/77; Order MV-302, § 308-102-140, filed 3/31/75.]

WAC 308-102-190 Informal settlement—Document review or interview—Decision. Upon conclusion of a document review or interview the presiding officer shall make findings on the matter under consideration and shall sustain, modify, or reverse the department's notice of intention to suspend and/or the amount of security required. The department shall notify the person of the presiding officer's decision and said person's right to request a formal administrative hearing in writing by first class mail sent to the last address of record. A copy of the presiding officer's findings shall be sent to the person with the notice of the decision and right to a formal hearing. Upon receipt of a timely request for formal hearing the order for the deposit of security and suspension for failure to deposit security shall be stayed pending the results of the hearing.

(2007 Ed.)

[Statutory Authority: RCW 46.01.110. 92-08-045, § 308-102-190, filed 3/25/92, effective 4/25/92. Statutory Authority: RCW 46.20.391, 46.01.110 and 46.65.020. 86-07-018 (Order DS 2), § 308-102-190, filed 3/12/86; Order MV-302, § 308-102-190, filed 3/31/75.]

WAC 308-102-200 Request for adjudicative proceeding—Formal hearing. Any person who is aggrieved by the interview or document review decision of the department may request a formal hearing on the matter. The request for formal hearing must be in writing and must be addressed to the department of licensing and postmarked within fifteen days following the mailing of the decision of the department to the person. Failure to make timely request for a formal hearing to the department shall be considered a withdrawal of the person's request for adjudicative proceedings and shall result in a waiver of the person's right to such hearing and the decision of the department shall become final.

If a timely request for a formal hearing is made, the department shall notify the person of the time and place of such hearing in writing, and mail such notice to the last address of record, at least twenty days in advance of the hearing date. The hearing shall be held within a reasonable distance of the county wherein the person resides, or, if the person is a nonresident of Washington, in the county where the accident occurred. The notice shall include the information required by RCW 34.05.434(2).

[Statutory Authority: RCW 46.01.110. 92-08-045, § 308-102-200, filed 3/25/92, effective 4/25/92. Statutory Authority: RCW 46.20.391, 46.01.110 and 46.65.020. 86-07-018 (Order DS 2), § 308-102-200, filed 3/12/86; Order 466-DOL, § 308-102-200, filed 12/30/77; Order MV-302, § 308-102-200, filed 3/31/75.]

WAC 308-102-250 Issues to be determined—Formal hearing. Only the following issues shall be considered at any formal hearing held on request of a person:

- (1) Whether the person was the owner or driver of any motor vehicle of a type subject to registration under the motor vehicle laws of this state which was in any manner involved in an accident within this state;
- (2) Whether the accident resulted in bodily injury or death of any person or damage to the property of any one person in an amount meeting or exceeding the property damage threshold established by WAC 308-102-008;
- (3) Whether there is a reasonable possibility of a judgment being entered against the person in the amount required by the order of the department fixing such security;
- (4) Whether the amount of security to be deposited, if any, is sufficient to satisfy any judgment or judgments resulting from such accident as may be recovered against the person; and
- (5) Whether the person is entitled to an exception to the requirement of security pursuant to RCW 46.29.080.

[Statutory Authority: RCW 46.01.110. 92-08-045, § 308-102-250, filed 3/25/92, effective 4/25/92; Order 467-DOL, § 308-102-250, filed 12/30/77; Order MV-302, § 308-102-250, filed 3/31/75.]

WAC 308-102-255 Determination of possibility of judgment. For the purposes of WAC 308-102-250(3), the department may presume that there is a reasonable possibility of a judgment being entered against a person if:

- (1) The person was convicted of or forfeited bail for a traffic violation arising out of the accident, or

(2) A law enforcement officer investigating the accident completed a report which specified that a violation of a rule of the road contributed to the accident regardless of whether a citation was issued, or

(3) The person was negligent, having committed an act which a reasonably careful and prudent person would not have done under the same or similar circumstances, or failed to act in a way which a reasonably careful and prudent person would have acted under the same or similar circumstances, and such act or omission was a proximate cause of the accident.

[Statutory Authority: RCW 46.01.110. 92-08-045, § 308-102-255, filed 3/25/92, effective 4/25/92.]

WAC 308-102-260 Presiding officer—Duties. The presiding officer, in making his or her decision at the formal hearing, shall consider:

(1) Evidence as allowed under RCW 34.05.452;

(2) Court records of convictions or bail forfeitures submitted to the department of licensing and arising out of the accident in question;

(3) Traffic collision reports completed by a police officer who investigated the accident, all reports and other information submitted to the department by the individual(s) who sustained the loss or the insurance carrier who has a subrogated interest therein, records and documents in the possession of the department of which it desires to avail itself, repair estimates, repair and medical bills, towing bills and any other reasonable accounting of a loss proximately arising from an accident or photocopies thereof; and

(4) Any other evidence related to the issues before the hearing which have probative value commonly accepted by reasonable, prudent persons in the conduct of their affairs.

[Statutory Authority: RCW 46.01.110. 92-08-045, § 308-102-260, filed 3/25/92, effective 4/25/92; 82-03-046 (Order 668 DOL), § 308-102-260, filed 1/19/82; Order 466-DOL, § 308-102-260, filed 12/30/77; Order MV-302, § 308-102-260, filed 3/31/75.]

WAC 308-102-265 Formal hearing—Failure to appear. In the event that the person who requested a formal hearing pursuant to this chapter fails to appear at the time and place of the scheduled hearing, no hearing shall be held. The case shall be remanded to the department, and the previous department order requiring security shall be affirmed: Provided, That the presiding officer may consider evidence as to whether the amount of security to be deposited is sufficient to satisfy any judgment or judgments as may be recovered against the person, and may adjust the amount of security required accordingly.

[Statutory Authority: RCW 46.01.110. 92-08-045, § 308-102-265, filed 3/25/92, effective 4/25/92. Statutory Authority: RCW 46.20.391, 46.01.110 and 46.65.020. 86-07-018 (Order DS 2), § 308-102-265, filed 3/12/86.]

WAC 308-102-290 Formal hearings—Findings, conclusions and decisions. At the conclusion of the formal hearing, the presiding officer shall, as soon as practical, make and enter findings of fact, conclusions of law and enter an order as provided by RCW 34.05.461.

If the order of the department is affirmed, the department shall suspend the driver's license or nonresident driving privilege of the person required to deposit security, but the order

of suspension shall carry an effective date of thirty days after the date of mailing, during which time the person may comply with the terms of the order.

If the order of the department is reversed, the department shall cancel its previous order.

If the order of the department is modified, the department shall nonetheless suspend the driver's license or nonresident driving privilege of the person required to deposit security, but the order of suspension shall carry an effective date of thirty days after the date of mailing, during which time the person may comply with the terms of the order.

Petitions for reconsideration, as provided by RCW 34.05.470, shall be filed with the presiding officer within ten days of service of the final order. The department is deemed to have denied the petition for reconsideration if, within twenty days from the date the petition is filed, the department does not either: (a) Dispose of the petition; or (b) serve the parties with a written notice specifying the date by which it will act on the petition.

[Statutory Authority: RCW 46.01.110. 92-08-045, § 308-102-290, filed 3/25/92, effective 4/25/92; 82-03-046 (Order 668 DOL), § 308-102-290, filed 1/19/82; Order MV-349, § 308-102-290, filed 1/28/76; Order MV-302, § 308-102-290, filed 3/31/75.]

Chapter 308-103 WAC

RULES OF PROCEDURE FOR HEARINGS CONDUCTED UNDER RCW 46.20.308

WAC

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308-103-020	Definitions.
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308-103-040	Requests for hearings.
308-103-050	Scheduling—Notice of hearing.
308-103-060	Notice of appearance.
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308-103-150	Conduct of hearings.
308-103-160	Defaults.
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WAC 308-103-010 Applicability. These rules apply to hearings conducted pursuant to RCW 46.20.308.

[Statutory Authority: RCW 46.01.110 and 46.20.308. 02-11-011, § 308-103-010, filed 5/3/02, effective 6/3/02.]

WAC 308-103-020 Definitions. As used in this chapter, unless the context requires otherwise, the term:

- (1) "Department" refers to the department of licensing;
- (2) "Hearing" means a formal hearing as authorized and conducted pursuant to RCW 46.20.308(8);
- (3) "Hearing office" refers to the physical location from which a hearing officer conducts hearings under RCW 46.20.308. Where appropriate, the term "hearing office" also refers to the staff assigned to a hearing office;
- (4) "Hearing officer" means a person who is appointed by the director of the department to conduct hearings under RCW 46.20.308;

(5) "Legal representative" means an attorney licensed and authorized to practice law in the state of Washington;

(6) "Petitioner" refers to a driver subject to the provisions of RCW 46.20.308 who has requested a hearing.

[Statutory Authority: RCW 46.01.110, 46.20.308, 46.25.120. 06-15-081, § 308-103-020, filed 7/14/06, effective 8/14/06. Statutory Authority: RCW 46.01.110 and 46.20.308. 02-11-011, § 308-103-020, filed 5/3/02, effective 6/3/02.]

WAC 308-103-030 Computation of time. In computing any period of time prescribed or allowed by any applicable statute or rule, RCW 1.12.040 shall apply, except in the service of subpoenas as provided in WAC 308-103-090.

[Statutory Authority: RCW 46.01.110, 46.20.308, 46.25.120. 06-15-081, § 308-103-030, filed 7/14/06, effective 8/14/06. Statutory Authority: RCW 46.01.110 and 46.20.308. 02-11-011, § 308-103-030, filed 5/3/02, effective 6/3/02.]

WAC 308-103-040 Requests for hearings. The request for a hearing shall be in compliance with the following requirements:

(1) The petitioner must submit his or her formal request for hearing:

(a) Within thirty days of the date notice is given under RCW 46.20.308(6) if the petitioner submitted to a breath test;

(b) Within thirty days of the date notice is given under RCW 46.20.308(6) if the petitioner is alleged to have refused the breath or blood test; or

(c) Within thirty days of the date notice of the department's intention to suspend, revoke, or deny the petitioner's license, permit, or privilege to drive is given in the event notice is given by the department following a blood test;

(2) If a request for a hearing is mailed, it must be received by the department within seven days of the date the request was postmarked in order to be considered timely under this section. This provision may be waived if the request is received by the department within thirty days of the date of arrest, or within thirty days of the date notice is given in the event notice is given by the department following a blood test, or if the petitioner and the department agree to a waiver of the sixty-day hearing requirement;

(3) The request for a hearing shall be in writing. The petitioner may use the form provided by the department for this purpose or any other writing. The petitioner may request a hearing on-line if the petitioner meets the qualifications described on the web site at www.dol.wa.gov;

(4) The hearing request form provided by the department shall include a statement that if the parties or witness(es) are hearing or speech impaired and/or non-English speaking, a qualified interpreter will be appointed at no cost to the parties or witnesses. The form shall include a section where the petitioner may request an interpreter and where he or she may identify the language and/or nature of the interpretive services needed;

(5) The request for hearing shall include the following information with respect to the petitioner:

- (a) Full name;
- (b) Mailing address;
- (c) Daytime telephone number, including area code;
- (d) Date of birth; and
- (e) Driver's license number;

(6) If petitioner will have legal representation at the administrative hearing, the request shall also include the legal representative's name, mailing address, and daytime telephone number, including area code;

(7) The request for a hearing shall be submitted to the Department of Licensing, Driver Services Division, Hearings & Interviews, P.O. Box 9048, Olympia, Washington 98507-9048. If the petitioner is entitled to or applying for a waiver of the filing fee because of indigence, the request must be submitted to the Department of Licensing, Driver Services Division, Hearing & Interviews, P.O. Box 9031, Olympia, Washington 98507-9031;

(8) The written request for hearing shall be accompanied by the applicable filing fee, unless the petitioner is entitled to a waiver of the filing fee because of indigence, in which case a request and justification for the fee waiver shall accompany the hearing request;

(9) A petitioner who has been denied a court-appointed attorney on the underlying related criminal charge because he or she is deemed "not indigent" is not eligible for a fee waiver;

(10) Indigence may be established as follows:

(a) Written verification of court-appointed legal counsel on the associated underlying criminal charge;

(b) Written verification of current involuntary commitment to a public mental health facility;

(c) Verification of current receipt of general assistance, temporary assistance for needy families, refugee resettlement benefits, food stamps, supplemental security income, or Medicaid; or

(d) Submission and approval of the department's "Application for Waiver of Hearing Fee" form;

(11) Failure to timely submit a hearing request and/or failure to include the filing fee or application for waiver with the hearing request shall be deemed a waiver of the petitioner's right to a hearing; and

(12) If a request for hearing is denied, the department shall notify the petitioner and the petitioner's legal representative, if any, stating the reason(s) for denial.

[Statutory Authority: RCW 46.01.110, 46.20.308, 46.25.120. 06-15-081, § 308-103-040, filed 7/14/06, effective 8/14/06. Statutory Authority: RCW 46.01.110 and 46.20.308. 04-20-013, § 308-103-040, filed 9/24/04, effective 10/25/04; 02-11-011, § 308-103-040, filed 5/3/02, effective 6/3/02.]

WAC 308-103-050 Scheduling—Notice of hearing.

(1) Upon receipt of a timely request for a hearing, the department shall schedule a telephone hearing.

(2) The petitioner or petitioner's legal representative may state a preferred range of hearing dates or unavailable dates. To the extent that such requests can be accommodated within the applicable time limits and hearing officer availability, the department will attempt to do so.

(3) The department shall mail a hearing notice to the petitioner or petitioner's legal representative at least ten days prior to the date of the hearing.

(4) The department's scheduling notice and brochure will include the assigned hearing officer's name, a phone number at which he or she may be contacted, and other information concerning the administrative hearing. The department's notice will also include a telephone number and a TDD num-

ber that any party or witness may call to request special accommodations.

(5) The petitioner or petitioner's legal representative may request that all or part of the hearing be conducted "in person." Such request must be in writing stating the reasons therefore and directed to the assigned hearing officer immediately upon receipt of the scheduling notice. The hearing officer will have the sole discretion to grant or deny this request, and may require a waiver of the sixty-day hearing requirement as a condition to granting the request.

(6) Each party shall ensure that his or her address and telephone number on file is correct and shall immediately notify the department and/or hearing officer of any change of address or telephone number that occurs during the course of the proceeding.

(7) The administrative hearing may be reassigned to a different hearing officer without notice to the parties.

[Statutory Authority: RCW 46.01.110, 46.20.308, 46.25.120. 06-15-081, § 308-103-050, filed 7/14/06, effective 8/14/06. Statutory Authority: RCW 46.01.110 and 46.20.308. 02-11-011, § 308-103-050, filed 5/3/02, effective 6/3/02.]

WAC 308-103-060 Notice of appearance. If a petitioner has legal representation at the administrative hearing, the department shall be provided with the legal representative's name, address, and telephone number. The department may require the legal representative to file a written notice of appearance or to provide documentation that an absent petitioner has authorized the legal representative to appear on the party's behalf. The legal representative shall file a written notice of appearance and shall file a notice of withdrawal upon withdrawal of representation.

[Statutory Authority: RCW 46.01.110 and 46.20.308. 02-11-011, § 308-103-060, filed 5/3/02, effective 6/3/02.]

WAC 308-103-070 Continuances. (1) After a hearing has been scheduled, it may be continued, rescheduled, or adjourned only at the discretion of the hearing officer.

(2) Requests for a continuance, reschedule, or adjournment must be made in writing, to the assigned hearing officer, and shall include the basis for the request.

(3) Except in the case of an emergency, the hearing officer must receive the continuance request at least two business days before the scheduled hearing. Absent an emergency, requests made with less than two business days' notice may be summarily denied.

(4) The hearing officer may continue, adjourn, or reschedule at any time, including on the date of the administrative hearing.

(5) Hearings that are continued, rescheduled, or adjourned may be reset to a date within sixty days of the driver's arrest, or within sixty days of the date notice of the department's intention to suspend, revoke, or deny the petitioner's license, permit, or privilege to drive is given in the event notice is given by the department following a blood test, unless a written waiver of the sixty-day hearing requirement of RCW 46.20.308 accompanies the written continuance request, or unless the petitioner is deemed to have "waived" the statutory time frame.

(6) A petitioner is deemed to have waived the statutory requirement that the hearing be held within sixty days if peti-

tioner requests an action that cannot be accommodated within the sixty-day period.

(7) A party shall not consider a hearing continued, rescheduled, or adjourned until notified by the hearing officer.

(8) The hearing officer may require the party who requests a continuance, reschedule, or adjournment to submit documentary evidence that substantiates the reason for the request.

(9) A second request for a continuance, reschedule, or adjournment will only be granted in the event of an extreme emergency.

(10) Notwithstanding any provisions of this section to the contrary, a hearing officer may continue a hearing in the event a law enforcement officer who has been subpoenaed as a witness fails to appear. The hearing officer must continue a hearing in the event a law enforcement officer who has been subpoenaed as a witness fails to appear and the petitioner is a holder of a commercial driver's license or was operating a commercial motor vehicle at the time of the driver's arrest. A hearing continued under this subsection must be adjourned until such time as the subpoena may be enforced under RCW 7.21.060. Action taken by the hearing officer to enforce a subpoena issued on the petitioner's behalf is considered to be at the request of the petitioner for purposes of WAC 308-103-070(6).

[Statutory Authority: RCW 46.01.110, 46.20.308, 46.25.120. 06-15-081, § 308-103-070, filed 7/14/06, effective 8/14/06. Statutory Authority: RCW 46.01.110 and 46.20.308. 02-11-011, § 308-103-070, filed 5/3/02, effective 6/3/02.]

WAC 308-103-080 Deferred prosecutions—Withdrawals. (1) In the event a petitioner elects to seek a deferred prosecution, the petitioner shall notify the assigned hearing officer and file a notice of Intent to Seek Deferred Prosecution, on a form provided by the department, with the hearing officer or the department. To be eligible for a stay, the petitioner must not have previously entered a deferred prosecution program, must have taken the breath or blood test, and must indicate that he or she intends to seek a deferred prosecution. If the petitioner is eligible, a stay of the administrative action shall be entered on the driver's record pursuant to RCW 46.20.308(10). If the petitioner is not eligible, he or she will be so notified by the department and the administrative action will continue.

(2) If a stay is entered under subsection (1) of this section, the hearing will proceed and the results will be sent to the petitioner. As provided by RCW 46.20.308(10), the stay of the action shall continue but any appeal of the Findings and Conclusion must be undertaken within thirty days of service of the results.

(3) If the petitioner elects to withdraw his or her request for a hearing, he or she must notify the department in writing of his or her intent to do so. Upon receiving such a request for a withdrawal, the department shall proceed with the administrative action against the petitioner's driving privilege, unless a stay has been entered on the driver's record due to the filing of a notice of Intent to Seek a Deferred Prosecution.

[Statutory Authority: RCW 46.01.110, 46.20.308, 46.25.120. 06-15-081, § 308-103-080, filed 7/14/06, effective 8/14/06. Statutory Authority: RCW

46.01.110 and 46.20.308. 02-11-011, § 308-103-080, filed 5/3/02, effective 6/3/02.]

WAC 308-103-090 Subpoenas. (1) Subpoenas shall be issued and enforced, and witness fees paid, as provided in RCW 46.20.308(8). All subpoenas shall direct the witness to appear by telephone unless otherwise agreed to by the hearing officer.

(2) Every subpoena shall be submitted on a form approved by the department, available on the Internet at www.dol.wa.gov, and must be signed and issued by a hearing officer. An approved form may be obtained from the department.

(a) A subpoena to a person to provide testimony at a hearing shall specify the time and place set for hearing.

(b) A subpoena duces tecum requesting a person to produce designated books, documents, or things under his or her control shall specify a time and place for producing the books, documents, or things. That time and place may be the time and place set for hearing, or another reasonably convenient time and place in advance of the hearing.

(3) A subpoena must be personally served by a suitable person over eighteen years of age, by exhibiting and reading it to the witness, or by giving him or her a copy thereof, or by leaving such copy at the place of his or her abode. Proof of service shall be made by affidavit or declaration under penalty of perjury. Service by certified mail must be preapproved by the hearing officer. Service of a subpoena on a law enforcement officer may be effected by serving the subpoena upon the officer's employer.

(4) The hearing officer may condition issuance of the subpoena upon advancement by the person in whose behalf the subpoena is issued of the reasonable cost of producing the books, papers, documents, or tangible things.

(5) A subpoena must be properly served ten days prior to the date of the hearing, excluding weekends and holidays, in order to have full force and effect.

[Statutory Authority: RCW 46.01.110, 46.20.308, 46.25.120. 06-15-081, § 308-103-090, filed 7/14/06, effective 8/14/06. Statutory Authority: RCW 46.01.110 and 46.20.308. 02-11-011, § 308-103-090, filed 5/3/02, effective 6/3/02.]

WAC 308-103-100 Evidence—Exhibits. (1) All rulings upon objections to the admissibility of evidence shall be made in accordance with the provisions of these rules.

(2) When only portions of a document are to be relied upon, the offering party shall identify the pertinent excerpts and state the purpose for which such materials will be offered. Only the excerpts, in the form of copies, shall be received in the record. However, the whole of the original documents, except any portions containing confidential material protected by law, shall be made available for examination and for use by all parties.

(3) The refusal of a witness to answer any question which has been ruled to be proper shall, in the discretion of the hearing officer, be ground for striking all testimony previously given by such witness on related matter.

(4) Evidence is admissible if received prior to, or during, the hearing.

[Statutory Authority: RCW 46.01.110, 46.20.308, 46.25.120. 06-15-081, § 308-103-100, filed 7/14/06, effective 8/14/06. Statutory Authority: RCW (2007 Ed.)

46.01.110 and 46.20.308. 02-11-011, § 308-103-100, filed 5/3/02, effective 6/3/02.]

WAC 308-103-110 Video evidence. If the petitioner wishes to submit video evidence, the petitioner shall be responsible for the costs of preparing a copy to be admitted as evidence. Video evidence shall be submitted sufficiently in advance of the hearing to allow the hearing officer the opportunity to review it prior to the hearing. The hearing officer may require a time waiver from the petitioner in order to reschedule the hearing and satisfy this provision when needed.

[Statutory Authority: RCW 46.01.110, 46.20.308, 46.25.120. 06-15-081, § 308-103-110, filed 7/14/06, effective 8/14/06. Statutory Authority: RCW 46.01.110 and 46.20.308. 02-11-011, § 308-103-110, filed 5/3/02, effective 6/3/02.]

WAC 308-103-120 Evidence. (1) The hearing officer shall rule on the admissibility and weight to be accorded to all evidence submitted at the hearing. Evidence, including hearsay evidence, is admissible if in the judgment of the hearing officer it is the kind of evidence on which reasonably prudent persons are accustomed to rely on in the conduct of their affairs. The hearing officer may exclude evidence that is irrelevant, immaterial, or unduly repetitious. The admissibility of evidence shall be liberally construed to effect the intent and purpose of the hearings covered by these rules.

(2) Law enforcement officers or other persons with knowledge relevant to the hearing may appear and testify without notice. Such testimony shall not preclude the admissibility of any documents submitted.

(3) Documentary evidence may be received in the form of copies or excerpts, or by incorporation by reference.

(4) Official notice may be taken of (a) any judicially cognizable facts, (b) technical or scientific facts within the agency's specialized knowledge, and (c) codes or standards that have been adopted by an agency of the United States, of this state or of another state, or by a nationally recognized organization or association. Parties shall be notified either before or during the hearing of the material so noticed and the sources thereof and they shall be afforded an opportunity to contest the facts and materials so noticed. A party proposing that official notice be taken may be required to produce a copy of the material to be noticed.

[Statutory Authority: RCW 46.01.110, 46.20.308, 46.25.120. 06-15-081, § 308-103-120, filed 7/14/06, effective 8/14/06. Statutory Authority: RCW 46.01.110 and 46.20.308. 02-11-011, § 308-103-120, filed 5/3/02, effective 6/3/02.]

WAC 308-103-130 Interpreters. (1) When an impaired person as defined in chapter 2.42 RCW or a non-English-speaking person as defined in chapter 2.43 RCW is a party or witness in an adjudicative proceeding, the department shall appoint an interpreter to assist the party or witness during the hearing. Appointment, qualifications, waiver, compensation, visual recording, and ethical standards of interpreters in hearings are governed by the provisions of chapters 2.42 and 2.43 RCW.

(a) If a hearing impaired person is a party or witness to an adjudicative proceeding, a qualified interpreter shall be appointed to interpret the proceedings. Under RCW 2.42.050, a "qualified interpreter" means a visual language interpreter

who is certified by the state or is certified by the registry of interpreters for the deaf.

(b) Whenever an interpreter is appointed to assist a non-English-speaking person, a qualified or certified interpreter shall be appointed to assist the person during the hearing. Under RCW 2.43.020, a "qualified interpreter" means a person who is able readily to interpret or translate spoken and written English for a non-English-speaking person. A "certified interpreter" means an interpreter who is certified by the office of the administrator for the courts.

(2) Relatives of any participant in a proceeding and employees of the department involved in a proceeding shall not be appointed as interpreters in the proceeding unless authorized by the petitioner.

(3) Mode of interpretation:

(a) The consecutive mode of foreign language interpretation shall be used unless the hearing officer and interpreter agree that simultaneous interpretation will advance fairness and efficiency;

(b) Interpreters for hearing impaired persons shall use the simultaneous mode of interpretation unless an intermediary interpreter is needed. If an intermediary interpreter is needed, interpreters shall use the mode that the interpreter considers to provide the most accurate and effective communication with the hearing impaired person;

(c) When an impaired or non-English-speaking person is a party to a proceeding, the interpreter shall translate all statements made by other hearing participants, unless waived by the petitioner. The hearing officer shall ensure that sufficient extra time is provided to permit translation and the hearing officer shall ensure that the interpreter translates the entire proceeding to the party to the extent that the party has the same opportunity to understand all statements made during the proceeding as a nonimpaired or English-speaking party listening to uninterpreted statements would have.

(4) The department shall pay interpreter fees and expenses.

(5) Every interpreter shall, before beginning to interpret, take an oath that a true interpretation will be made to the person being examined of all the proceedings in a language or in a manner which the person understands, and that the interpreter will repeat the statements of the person being examined to the hearing officer conducting the proceedings, in the English language, to the best of the interpreter's skill and judgment.

[Statutory Authority: RCW 46.01.110 and 46.20.308. 02-11-011, § 308-103-130, filed 5/3/02, effective 6/3/02.]

WAC 308-103-140 Testimony under oath or affirmation. Every person called as a witness and who is giving oral testimony in a hearing shall swear or affirm that the testimony he or she is about to give in the hearing shall be the truth according to the provisions of RCW 5.28.020 through 5.28.060. If the witness is testifying from outside the jurisdiction, the hearing officer may require the witness to agree to be bound by the laws of the state of Washington for purposes of the oath or affirmation.

[Statutory Authority: RCW 46.01.110 and 46.20.308. 02-11-011, § 308-103-140, filed 5/3/02, effective 6/3/02.]

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WAC 308-103-150 Conduct of hearings. Hearings are open to public observation. To the extent that a hearing is conducted by telephone or other electronic means, the availability of public observation is satisfied by giving members of the public an opportunity to hear or inspect the agency's record. The hearing officer's authority includes, but shall not be limited to, the authority to:

- (1) Determine the order of presentation of evidence;
- (2) Administer oaths and affirmations;
- (3) Issue subpoenas pursuant to RCW 46.20.308(8);
- (4) Rule on procedural matters, objections, and motions;
- (5) Rule on offers of proof and receive relevant evidence;
- (6) Order the exclusion of witnesses upon a showing of good cause;
- (7) Afford the petitioner the opportunity to respond, present evidence, conduct cross-examination, and submit rebuttal evidence. The hearing officer may question witnesses to develop any facts deemed necessary to fairly and adequately decide the matter;
- (8) Call additional witnesses and request and/or obtain additional exhibits deemed necessary to complete the record and receive such evidence subject to full opportunity for cross-examination and rebuttal by the petitioner;
- (9) Examine and admit the official records of the department, subject to full opportunity, including the opportunity to request a continuance if needed, for cross-examination and rebuttal by the petitioner;
- (10) Examine and admit public records, including but not limited to maps, policy and procedure manuals, breath testing equipment manuals and the Washington state patrol breath test section web site at any time before and during the hearing, subject to full opportunity, including the opportunity to request a continuance if needed, for cross-examination and rebuttal by the petitioner;
- (11) Regulate the course of the hearing and take any appropriate action necessary to maintain order during the hearing;
- (12) Permit or require oral argument or briefs and determine the time limits for submission thereof;
- (13) Issue an order of default;
- (14) Recess the hearing to a later time to accommodate scheduling conflicts. Hearings are ordinarily scheduled to be one hour in length;
- (15) Take any other action necessary and authorized by any applicable statute or rule; and
- (16) Waive any requirement of these rules unless petitioner shows that he or she would be prejudiced by such a waiver.

[Statutory Authority: RCW 46.01.110, 46.20.308, 46.25.120. 06-15-081, § 308-103-150, filed 7/14/06, effective 8/14/06. Statutory Authority: RCW 46.01.110 and 46.20.308. 02-11-011, § 308-103-150, filed 5/3/02, effective 6/3/02.]

WAC 308-103-160 Defaults. The petitioner or the petitioner's legal representative on petitioner's behalf is required to attend the hearing, either in person or by telephone. If that appearance is by telephone, the petitioner or the petitioner's legal representative must be available at the number provided to the department on the hearing request form and referenced in the scheduling letter, or as subsequently modified, at the

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time and date designated for the hearing on the scheduling letter sent by the department to the petitioner, or as subsequently rescheduled. If the petitioner or petitioner's legal representative has not appeared within twenty minutes of the time scheduled for the hearing, the hearing officer shall enter an order of default. A default shall be deemed a withdrawal of the petitioner's request for a hearing and the action of the department on the petitioner's license shall be sustained.

[Statutory Authority: RCW 46.01.110 and 46.20.308. 02-11-011, § 308-103-160, filed 5/3/02, effective 6/3/02.]

WAC 308-103-170 Temporary license. A temporary license issued by a law enforcement officer pursuant to RCW 46.20.308 may be extended when:

(1) A hearing is conducted and a decision on the outcome of the hearing is taken under advisement by the hearing officer; or

(2) A hearing is continued or rescheduled outside of the initial sixty-day effective period of the temporary license.

[Statutory Authority: RCW 46.01.110, 46.20.308, 46.25.120. 06-15-081, § 308-103-170, filed 7/14/06, effective 8/14/06. Statutory Authority: RCW 46.01.110 and 46.20.308. 02-11-011, § 308-103-170, filed 5/3/02, effective 6/3/02.]

WAC 308-103-180 Final order. Every decision and order shall:

(1) Be correctly captioned as to the name of the department of licensing and name of the proceeding;

(2) Designate all parties and representatives participating in the proceeding;

(3) Contain a final order disposing of all contested issues; and

(4) Contain a statement describing the right to appeal.

[Statutory Authority: RCW 46.01.110, 46.20.308, 46.25.120. 06-15-081, § 308-103-180, filed 7/14/06, effective 8/14/06. Statutory Authority: RCW 46.01.110 and 46.20.308. 02-11-011, § 308-103-180, filed 5/3/02, effective 6/3/02.]

WAC 308-103-190 Reconsideration and appeals. (1) The petitioner's rights to appeal are provided in RCW 46.20.308(9), and nothing herein is intended to detract from that statute.

(2) Grounds for a petition for reconsideration are limited to evidence or legal argument which are material to the petitioner and were not produced at the time of the hearing, or for other good and sufficient reason as determined by the hearing officer.

(3) The petition must state with particularity any new evidence or new legal argument that is proposed and why it could not have been discovered using due diligence prior to the hearing. The petition must specify with particularity the portions of the initial order to which the petition applies.

(4) A petition for reconsideration of a final order shall be filed with the hearing officer who signed that final order, within ten days of the date the final order is mailed to the petitioner.

(5) The petition shall be reviewed by the hearing officer who entered the original final order, if reasonably available. The disposition shall be in the form of a written order denying the petition, granting the petition and dissolving or modi-

fying the final order, or granting the petition and setting the matter for further hearing.

(6) If the petition is granted in whole or in part, a new order shall be issued in the same form as the original order, and shall include the designation "amended" in its title. This amended order shall reference the petition for reconsideration in its preamble, which sets out what the hearing officer considered. Any amended order shall include the "Findings of Fact and Conclusions of Law" from the original final order with amendments.

(7) The relief granted pursuant to a petition for reconsideration is limited to review of the designated evidence and/or argument as identified in the petition. At the hearing officer's discretion, a supplemental hearing may be scheduled. Such a petition is not grounds for a new hearing, and the record already established shall remain undisturbed.

(8) A petition for reconsideration does not stay the department's action on the petitioner's driving privilege as ordered by the original final order. A petitioner seeking a stay must file a separate petition for that purpose. The hearing officer will grant a stay only if the hearing officer determines that it is likely that the petitioner will prevail and the action be reversed and that denying the stay will create irreparable harm to the petitioner. If the hearing officer grants such a petition for a stay, the hearing officer shall sign an order releasing the action and crediting any time already served, and subsequently sign an order sustaining or reversing the action, as determined by the amended final order. Disposition denying a stay is not subject to review.

(9) An amended final order shall be issued either denying reconsideration or, in the event reconsideration is granted, dissolving or modifying the original final order. The date of the amended final order begins the thirty-day period for the petitioner to appeal the amended final order, and there is no longer a right to appeal the original final order.

(10) The filing of a petition for reconsideration is not a prerequisite for filing an appeal. An order denying reconsideration is not subject to appeal.

[Statutory Authority: RCW 46.01.110, 46.20.308, 46.25.120. 06-15-081, § 308-103-190, filed 7/14/06, effective 8/14/06. Statutory Authority: RCW 46.01.110 and 46.20.308. 02-11-011, § 308-103-190, filed 5/3/02, effective 6/3/02.]

Chapter 308-104 WAC DRIVERS' LICENSES

WAC

308-104-004	Definitions.
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308-104-100	Occupational/temporary restricted driver's license—Person eligible.
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308-104-130	Convictions—Driving records.
308-104-135	Open container law infractions—Placement on driving records.
308-104-145	Driving record abstracts—Release to insurance companies.
308-104-150	Address requests—Terms and fees.
308-104-155	Driving records—Designation of persons other than employees of the department as agents for certification.
308-104-160	Nonmoving violation defined.
308-104-170	Alcohol or drug abuse treatment program.
308-104-340	Formal hearings—Habitual traffic offenders.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

308-104-015	Identicards. [Statutory Authority: RCW 46.01.110. 93-22-071, § 308-104-015, filed 11/1/93, effective 12/2/93; 82-03-046 (Order 668 DOL), § 308-104-015, filed 1/19/82.] Repealed by 00-18-070, filed 9/1/00, effective 10/2/00. Statutory Authority: RCW 46.01.110.
308-104-020	Point system. [Order 2, § 308-104-020, filed 6/26/68.] Repealed by 82-03-046 (Order 668 DOL), filed 1/19/82. Statutory Authority: RCW 46.01.110.
308-104-030	Effect of point accumulation. [Order 2, § 308-104-030, filed 6/26/68.] Repealed by 82-03-046 (Order 668 DOL), filed 1/19/82. Statutory Authority: RCW 46.01.110.
308-104-045	Identicards. [Statutory Authority: RCW 46.20.117 and 46.20.119. 78-04-041 (Order 488-DOL), § 308-104-045, filed 3/20/78; Order MV 303, § 308-104-045, filed 2/13/75.] Repealed by 91-01-063, filed 12/14/90, effective 1/14/91. Statutory Authority: RCW 46.01.110.
308-104-055	Convictions—Suspension terms. [Order MV-172, § 308-104-055, filed 7/16/73.] Repealed by Order MV-222, filed 10/29/74.
308-104-057	Convictions—Driving while revoked—Terms. [Order MV-222, § 308-104-057, filed 10/29/74.] Repealed by 93-22-071, filed 11/1/93, effective 12/2/93. Statutory Authority: RCW 46.01.110.
308-104-058	Convictions—Court recommendations. [Statutory Authority: RCW 46.01.110. 82-03-046 (Order 668 DOL), § 308-104-058, filed 1/19/82.] Repealed by 86-07-018 (Order DS 2), filed 3/12/86. Statutory Authority: RCW 46.20.391, 46.01.110 and 46.65.020.
308-104-060	Implied consent—Revocation terms. [Order MV-222, § 308-104-060, filed 10/29/74; Order MV-172, § 308-104-060, filed 7/16/73.] Repealed by 00-18-069, filed 9/1/00, effective 10/2/00. Statutory Authority: RCW 46.01.110.
308-104-109	Extension of driver's license. [Statutory Authority: RCW 43.24.140. 99-05-032, § 308-104-109, filed 2/10/99, effective 3/13/99.] Repealed by 00-18-070, filed 9/1/00, effective 10/2/00. Statutory Authority: RCW 46.01.110.
308-104-110	Occupational license—Eligibility—Driving while suspended. [Order MV 349, § 308-104-110, filed 1/28/76.] Repealed by 93-22-071, filed 11/1/93, effective 12/2/93. Statutory Authority: RCW 46.01.110.
308-104-120	Extra-territorial convictions—Hearing. [Order MV 349, § 308-104-120, filed 1/28/76.] Repealed by 00-18-069, filed 9/1/00, effective 10/2/00. Statutory Authority: RCW 46.01.110.
308-104-140	Driving record abstracts—Firefighters and law enforcement officers. [Order 469-DOL, § 308-104-140, filed 12/30/77.] Repealed by 93-22-071, filed 11/1/93, effective 12/2/93. Statutory Authority: RCW 46.01.110.
308-104-180	Stay of habitual traffic offender revocation. [Statutory Authority: RCW 46.01.110. 82-03-046 (Order 668 DOL), § 308-104-180, filed 1/19/82.] Repealed by 91-01-063, filed 12/14/90, effective 1/14/91. Statutory Authority: RCW 46.01.110.

WAC 308-104-004 Definitions. As used in this chapter, unless the context requires otherwise, the term:

(1) "Examination," for purposes of RCW 46.20.305, means any one or combination of the following:

(a) A medical certificate to be completed by a competent medical authority;

(b) A vision certificate to be completed by a competent vision authority such as an optometrist or ophthalmologist;

(c) A psychiatric evaluation by a competent authority;

(d) An alcohol or drug evaluation or report of progress in alcohol or drug treatment from an alcohol or drug treatment agency approved by the department of social and health services;

(e) A reexamination of knowledge and driving ability conducted by a licensing services representative;

(f) A special examination of knowledge and driving ability conducted by a licensing services representative;

(2) "Jurisdiction" means a state, territory, or possession of the United States; the District of Columbia; or a province of Canada;

(3) "Military personnel" means active members of the United States Army, Navy, Air Force, Marine Corps, Coast Guard, commissioned officers of the Public Health Service, and members of foreign military organizations assigned to this state on official duty. For purposes of this section, a person in the reserves will not be considered an "active member" unless he or she has been called to active duty for a period exceeding the full period specified for license expiration in RCW 46.20.181;

(4) "State" means a state of the United States, the District of Columbia, or a United States territory or possession.

[Statutory Authority: RCW 46.01.110. 00-18-069, § 308-104-004, filed 9/1/00, effective 10/2/00; 87-19-129 (Order DS 3), § 308-104-004, filed 9/22/87.]

WAC 308-104-006 Driver's license required. No person, except as expressly exempted by chapter 46.20 RCW or by this chapter, may drive any motor vehicle upon a highway in this state unless the person has in his or her possession a valid driver's license issued under the provisions of chapter 46.20 RCW.

[Statutory Authority: RCW 46.01.110. 00-18-069, § 308-104-006, filed 9/1/00, effective 10/2/00; 93-22-071, § 308-104-006, filed 11/1/93, effective 12/2/93; 87-19-129 (Order DS 3), § 308-104-006, filed 9/22/87.]

WAC 308-104-008 Persons exempt from driver's license requirement. In addition to persons exempt from driver license requirement pursuant to RCW 46.20.025, the following persons are exempt from the requirement to obtain a valid driver's license issued to Washington residents under chapter 46.20 RCW:

(1) A student who maintains his or her legal home of record at a location outside Washington state, or the spouse or dependent of the student, who is at least sixteen years of age and who has in his or her immediate possession a valid driver's license issued to him or her in his or her home jurisdiction. The student must be enrolled as a full-time nonresident student at an institution of higher learning in Washington accredited by the Northwest Association of Schools and Colleges or by an accrediting association recognized by the higher education board, or at a private vocational school as

that term is defined by RCW 28C.10.020(7). The student must carry documentation issued by the institution that readily establishes his or her status as a nonresident student. A spouse or dependent of a nonresident student must carry a copy of the documentation issued to the student by the institution and documentation establishing the relationship with the student;

(2) Military personnel who are at least sixteen years of age who have in their immediate possession a valid driver's license issued by the jurisdiction designated as their home of record. A spouse or dependent of a person who meets the criteria of this subsection is also exempt from the driver's license requirement, provided that the spouse or dependent has in his or her immediate possession a valid driver's license issued by the jurisdiction designated as his or her home of record.

[Statutory Authority: RCW 46.01.110. 00-18-069, § 308-104-008, filed 9/1/00, effective 10/2/00; 87-19-129 (Order DS 3), § 308-104-008, filed 9/22/87.]

WAC 308-104-010 Vision test. (1) A person applying for a driver's license or renewal shall be required to take a vision test administered by the department.

(a) Any person having less than a 20/40 Snellen vision acuity with both eyes combined either corrected or uncorrected, or having some apparent significant visual limitation, must have an eye examination by an ophthalmologist or optometrist.

(b) If an applicant's vision cannot be corrected so that it will be within the 20/40 Snellen range for visual acuity or other vision problems cannot be corrected, then he or she must submit to a special examination in order to determine if a license shall be issued and whether limitations or restrictions should be imposed.

(2) The department may waive the requirement for a vision test for any person applying to renew his or her driver's license by mail or electronic commerce if the person certifies on the application that his or her vision acuity is no less than 20/40 as measured on the Snellen test for visual acuity, either corrected or uncorrected, and that there are no other vision problems.

[Statutory Authority: RCW 46.01.110. 04-20-012, § 308-104-010, filed 9/24/04, effective 10/25/04; Order 2, § 308-104-010, filed 6/26/68.]

WAC 308-104-012 Suspension or denial for refusing or neglecting to submit to an examination. A person's failure to complete an examination as required by RCW 46.20.305 may result in the suspension or denial of the person's driving privilege. A person dissatisfied with the departmental action which follows an examination he or she has taken under RCW 46.20.305 may appeal the department's action by requesting a formal hearing as provided in RCW 46.20.329. A request for a hearing under this section must be made in writing within fifteen calendar days from the date notice of the departmental action was given. If no request is made within the prescribed time the right to a hearing is waived.

[Statutory Authority: RCW 46.01.110. 00-18-069, § 308-104-012, filed 9/1/00, effective 10/2/00. Statutory Authority: RCW 46.20.391, 46.01.110 and 46.65.020. 86-07-018 (Order DS 2), § 308-104-012, filed 3/12/86.]

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WAC 308-104-014 Application for driver's license or identification card. A person applying for an original driver's license, instruction permit, or identification card must provide the following information:

(1) The person's full name, current mailing and residential address, and telephone number;

(2) The person's physical description, including sex, height, weight, and eye color;

(3) The person's date and place of birth;

(4) The person's social security number, if the social security number is required by state or federal law. If the person's social security number is not required by state or federal law, the person may voluntarily provide his or her social security number in order to assist the department in verifying identity;

(5) The person's mother's maiden name and whether the person is one of multiple siblings born at the same time;

(6) If the application is for a driver's license or instruction permit, whether the person has been previously licensed, where such license was issued, and under what name;

(7) If the application is for a driver's license or instruction permit, whether the person has ever had his or her driver's license or driving privilege suspended, revoked, cancelled, disqualified, withheld, or denied, and if so, where and when such driving sanction was imposed and the reason for such action;

(8) If the application is for a driver's license or instruction permit, whether the person has had a loss of consciousness or control within the last six months that could impair his or her ability to operate a motor vehicle;

(9) If the application is for a driver's license and the person is under the age of eighteen, a declaration by the person's parent, guardian, or employer that he or she has read and understands the intermediate license restrictions, and a declaration by the person that he or she has read and understands the intermediate license restrictions;

(10) The person's signature and, if the application is for a driver's license or instruction permit and the person is under the age of eighteen, the signature of the person's custodial parent or legal guardian; and

(11) Any supplementary documentation as may be necessary to verify any of the information required by this section.

[Statutory Authority: RCW 46.20.091 (1)(g) and 46.01.110. 05-15-064, § 308-104-014, filed 7/12/05, effective 8/12/05. Statutory Authority: RCW 46.01.110. 00-18-070, § 308-104-014, filed 9/1/00, effective 10/2/00; 91-01-063, § 308-104-014, filed 12/14/90, effective 1/14/91.]

WAC 308-104-016 Motorcycle endorsement fees. The endorsement fee for the initial motorcycle endorsement shall be ten dollars, and the subsequent renewal endorsement fee shall be twenty-five dollars, unless the endorsement is renewed or extended for a period other than five years, in which case the subsequent renewal endorsement fee shall be five dollars for each year that the endorsement is renewed or extended.

[Statutory Authority: RCW 46.01.110, 46.20.470 and 46.20.505. 00-02-017, § 308-104-016, filed 12/27/99, effective 7/1/00.]

WAC 308-104-018 Changing the address of record. (1) In addition to the form identified in RCW 46.20.205, the

department may change a driver's or identicard holder's address of record upon:

(a) The verbal request of the driver or identicard holder, where the department has satisfied itself as to the identity of the person making the request; or

(b) Receipt of written documentation or electronic communication concerning the driver or identicard holder, where such documentation or communication includes an address that differs from the one maintained by department and is:

(i) Signed by the driver or identicard holder;

(ii) Filed at the request of the driver or identicard holder;

or

(iii) Filed by a public official or governmental agency.

(2) This section shall not be construed as relieving the driver or identicard holder of the responsibility to notify the department of a change of address as required by RCW 46.20.205. Failure by the department to change a driver's or identicard holder's address of record, where the driver or identicard holder has not notified the department of the change of address with the form identified in RCW 46.20.205, shall not limit the effectiveness of any notice mailed to the driver or identicard holder at the address of record as previously established by the department.

[Statutory Authority: RCW 46.01.110 and 46.20.205. 96-20-089, § 308-104-018, filed 10/1/96, effective 11/1/96.]

WAC 308-104-019 Renewal of driver's license or identicard by electronic commerce—Eligibility. An applicant for a driver's license renewal or identicard renewal may apply by electronic commerce if he or she has received an authorization notice from the department.

(1) The department may send an authorization notice to a person whose valid driver's license is about to expire if the person:

(a) Is eligible to renew his or her driver's license by electronic commerce under the provisions of RCW 46.20.120 (3)(b) or (4)(b);

(b) Has previously been issued a digital driver's license;

(c) Is at least twenty-four and not more than sixty-five years of age;

(d) Has a valid Social Security number on file with the department;

(e) Has a valid mailing address on his or her driving record as maintained by the department;

(f) Does not have a commercial driver's license, instruction permit, or agricultural permit;

(g) Has not paid a fee owed to the department with a check that has been dishonored;

(h) Has not failed to appear, respond, or comply with the terms of or in response to a traffic citation or notice of traffic infraction; and

(i) Does not have any actions pending against his or her driver's license or driving privileges.

(2) A person applying for driver's license renewal by electronic commerce must:

(a) Certify that within the last six months he or she has not had a loss of consciousness or control that could impair his or her ability to operate a motor vehicle safely;

(b) Make the necessary certification under WAC 308-104-010(2); and

(c) Complete the required application and pay all applicable fees.

(3) The department may send an authorization notice to a person whose valid identicard is about to expire if the person:

(a) Is eligible to renew his or her identicard by electronic commerce under the provisions of RCW 46.20.117 (3)(b);

(b) Is at least twenty-four years of age; and

(c) Has previously been issued a digital identicard.

(4) A person applying for identicard renewal by electronic commerce must complete the required application and pay all applicable fees.

(5) The department may specify the means and establish procedures by which a person may make an application under this section.

[Statutory Authority: RCW 46.01.110. 04-20-012, § 308-104-019, filed 9/24/04, effective 10/25/04.]

WAC 308-104-025 Effect of accumulation of traffic offenses. Whenever the official records of the department show that a person has committed at least four traffic offenses within a twelve-month period, or at least five traffic offenses within a twenty-four-month period, the department may require the person to appear for a driver improvement interview, as provided in chapter 46.20 RCW: Provided, That when a person has committed fewer traffic offenses than set forth in this section, the department may require the person to appear for a driver improvement interview or suspend or deny the person's driving privilege when such action appears to be in the interest of the safety of other persons on the highways. For purposes of this section, the driver improvement interview may be conducted in a group setting.

Failure to appear at the interview may result in a suspension or denial of the driving privilege. For purposes of this section "traffic offense" means a conviction as defined in RCW 46.20.270(4), or a finding that a traffic infraction has been committed as defined in RCW 46.20.270(5), of a moving violation as defined in WAC 308-104-160. A traffic offense committed under the provisions of chapter 46.37 RCW by a commercial driver with respect to equipment required on commercial motor vehicles shall not be considered for driver improvement purposes.

[Statutory Authority: RCW 46.01.110. 00-18-069, § 308-104-025, filed 9/1/00, effective 10/2/00. Statutory Authority: RCW 46.01.110 and 1989 c 178 §§ 3, 5, 8 and 16. 89-18-003, § 308-104-025, filed 8/24/89, effective 9/24/89. Statutory Authority: RCW 46.01.110. 82-03-046 (Order 668 DOL), § 308-104-025, filed 1/19/82.]

WAC 308-104-035 Interest of safety. For purposes of RCW 46.20.291(3), whenever the records of the department show that a person has committed at least four traffic offenses within a twelve month period, or at least five traffic offenses within a twenty-four month period, this shall be considered prima facie evidence of violations of such frequency as to indicate a disrespect for traffic laws or a disregard for the safety of other persons on the highways. A traffic offense committed under the provisions of chapter 46.37 RCW by a commercial driver with respect to equipment required on commercial motor vehicles shall not be considered for the purposes of this section.

[Statutory Authority: RCW 46.01.110. 00-18-069, § 308-104-035, filed 9/1/00, effective 10/2/00. Statutory Authority: RCW 46.01.110 and 1989 c 178 §§ 3, 5, 8 and 16. 89-18-003, § 308-104-035, filed 8/24/89, effective 9/24/89.]

WAC 308-104-040 Driver's licenses for identification and identicards. As provided by RCW 46.20.035, no identicard shall be issued, nor shall any Washington state driver's license be issued, other than as provided in RCW 46.20.035 (5), unless the applicant has satisfied the department regarding his or her identity.

(1)(a) Except as provided in subsections (2) and (3) of this section, an applicant has not satisfied the identity requirements of RCW 46.20.035 unless he or she displays or provides the department with at least one of the following pieces of valid identifying documentation:

(i) A valid or recently expired driver's license or instruction permit that contains the signature, date of birth, and a photograph of the applicant;

(ii) A Washington state identicard or an identification card issued by another state that contains the signature and a photograph of the applicant;

(iii) An identification card issued by the United States, a state, or an agency of either the United States or a state, of a kind commonly used to identify the members or employees of the government agency, that contains the signature and a photograph of the applicant;

(iv) A military identification card that contains the signature and a photograph of the applicant;

(v) A United States passport that contains the signature and a photograph of the applicant;

(vi) An immigration and naturalization service form that contains the signature and photograph of the applicant; or

(vii) If the applicant is a minor, an affidavit of the applicant's parent or guardian where the parent or guardian displays or provides at least one piece of identifying documentation as specified in this subsection along with additional documentation establishing the relationship between the parent or guardian and the applicant.

(b) In addition to the valid identifying documentation listed in subsection (1)(a), the department may request supplemental identifying documentation, or may undertake an investigation to verify the validity of any documentation presented, in order to ascertain identity.

(2) An applicant unable to present a piece of identifying documentation listed in RCW 46.20.035 (1) or (2) may request that other identifying documentation be considered by the department in order to ascertain identity, as provided by RCW 46.20.035(3). The department may waive the requirement for a piece of valid identifying documentation listed in RCW 46.20.035 (1) or (2) if the applicant presents sufficient valid supporting documents found by the department to clearly establish the identity of the applicant. For purposes of this subsection, the department has found the following pieces of documentation to be sufficient to clearly establish identity:

(a) A foreign country's passport, containing the signature and a photograph of the individual, that has with it a valid United States Immigration and Naturalization entry form (I-94);

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(b) An enrollment card issued by a federally recognized Indian tribe, containing the signature and a photograph of the individual, with one other supporting document;

(c) An identification card issued by the United States Bureau of Indian Affairs, containing the signature and a photograph of the individual, with one other supporting document;

(d) A written identification verification document completed by the Washington department of corrections; and

(e) A Washington city or county police employee identification card, containing the signature and a photograph of the individual, with one other supporting document;

(3) If an applicant is unable to satisfy the department regarding his or her identity under subsections (1) or (2) of this section, he or she may request that the department review other documentation in order to ascertain identity, as provided by RCW 46.20.035(3).

(a) If the licensing services representative assisting the applicant is unable to ascertain identity from the documents presented, the applicant shall be referred to an in-office document reviewer for further assistance. The in-office document reviewer will evaluate the applicant's documentation in order to determine whether identity can be clearly established.

(b) If the in-office document review cannot clearly establish an applicant's identity, and if requested by an applicant, a senior technician for the region in which the applicant is making application will evaluate the applicant's documentation in order to determine whether identity can be clearly established.

(c) If requested by the applicant, the senior technician shall refer the applicant to driver licensing headquarters staff for final determination whether identity can be clearly established.

[Statutory Authority: RCW 46.01.110. 00-18-070, § 308-104-040, filed 9/1/00, effective 10/2/00; 93-22-071, § 308-104-040, filed 11/1/93, effective 12/2/93; 82-03-046 (Order 668 DOL), § 308-104-040, filed 1/19/82; Order 468-DOL, § 308-104-040, filed 12/30/77; Order 691101, § 308-104-040, filed 11/26/69.]

WAC 308-104-046 Instruction permit—Verification of enrollment in a traffic safety education program. For purposes of RCW 46.20.055, an applicant for a driver's instruction permit may demonstrate enrollment in a traffic safety education course offered by a licensed driver training school, or by a public or private school recognized by the superintendent of public instruction, by submitting written proof of enrollment indicating that the driver training course has already begun or will begin within ten calendar days of the date of the application. The proof of enrollment must be in a form that is approved by the department and bear the signature of a licensed driver training instructor or driver training school owner, or that of a public or private school instructor certified to teach a driver training course by the superintendent of public instruction.

[Statutory Authority: RCW 46.01.110. 04-18-060, § 308-104-046, filed 8/27/04, effective 9/27/04.]

WAC 308-104-047 Driving test—Waiver. For purposes of issuance of an original driver's license, the department may waive the actual demonstration of the ability to

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operate a motor vehicle where the applicant meets all other licensing requirements, has successfully completed the appropriate Washington knowledge test or tests, and:

(1) If the application is for a basic driver's license, the applicant has:

(a) Surrendered a valid driver's license issued by the applicant's previous home state, or presented a letter of clearance from the previous home state showing a valid license record on file;

(b) Not taken a Washington driving test on which the applicant has been disqualified; and

(c) Not taken a Washington knowledge test on which the applicant has been disqualified three or more times;

(2) If the application is for a driver's license with a motorcycle endorsement, the applicant, along with the requirements listed in subsection (1) of this section, has:

(a) Surrendered a valid motorcycle license or driver's license with motorcycle endorsement issued by the applicant's previous home state, or presented a letter of clearance from the previous home state showing a valid motorcycle license record on file. In order for a surrendered license or letter of clearance to be valid under this subsection, the applicant's previous home state's motorcycle licensing standards must meet or exceed Washington state motorcycle licensing standards, as determined by the department;

(b) Completed a motorcycle skill test waiver certificate; and

(c) If the applicant is under eighteen years of age, presented a certificate verifying completion of an approved motorcycle safety education course;

(3) If the application is for a commercial driver's license, the applicant, along with the requirements listed in subsection (1) of this section, has:

(a) Surrendered a valid commercial driver's license issued by the applicant's previous home state, or presented a letter of clearance from the previous home state showing a valid commercial driver's license record on file; or

(b) Met the requirements for waiver of the commercial driver's license skill test as provided by RCW 46.25.060(2).

Notwithstanding the above provisions, the department may require the applicant to complete the appropriate driving test or tests if the department determines that it is in the interest of safety for the applicant to demonstrate his or her ability to operate a motor vehicle.

[Statutory Authority: RCW 46.01.110, 00-18-069, § 308-104-047, filed 9/1/00, effective 10/2/00; 91-01-063, § 308-104-047, filed 12/14/90, effective 1/14/91.]

WAC 308-104-050 Waiver of driver education requirement—When granted. No waiver of the traffic safety education course requirement for applicants under the age of 18 years shall be issued unless:

(1) The parent, guardian, or other person having the care, custody and control of the applicant certifies that the applicant is:

(a) Unable to take or successfully complete a traffic safety education course and the reasons therefor, and

(b) That there exists an immediate need to operate a motor vehicle. The immediate need shall be set forth in as much detail as possible. For the purpose of meeting this requirement, "an immediate need exists" shall be construed to

mean that the capability to drive will reduce or help eliminate the negative consequences of the situation that created the immediate need to drive. If operating a motor vehicle does not reduce the hardship which was created by the situation, "an immediate need" does not exist; and

(2) The waiver is approved by a majority of a three member committee consisting of two department of licensing members which shall include any two of the following: The assistant director for driver services, the administrator of hearings, the administrator of driver responsibility, the administrator or assistant administrator(s) for driver operations, and one member who shall be the supervisor of driver and safety education in the office of the superintendent of public instruction or his/her designee. The committee shall have the power to set definite restrictions as to hours of the day and routes or areas of travel permitted under the waiver until the applicant has completed a driver education course or has reached the age of 18 years.

[Statutory Authority: RCW 46.01.110 and 46.25.140, 90-17-028, § 308-104-050, filed 8/8/90, effective 9/8/90. Statutory Authority: RCW 46.01.110, 87-19-129 (Order DS 3), § 308-104-050, filed 9/22/87; 82-03-046 (Order 668 DOL), § 308-104-050, filed 1/19/82; Order 468-DOL, § 308-104-050, filed 12/30/77; Order MV-131, § 308-104-050, filed 4/26/72.]

WAC 308-104-056 Convictions—Suspension, revocation, and denial terms. The department shall suspend, revoke, or deny the driver's license or nonresident driving privilege of every person who is convicted of a violation requiring such suspension, revocation, or denial, the term of which, except where otherwise required by law, shall commence on the date of conviction.

[Statutory Authority: RCW 46.01.110, 00-18-069, § 308-104-056, filed 9/1/00, effective 10/2/00; 93-22-071, § 308-104-056, filed 11/1/93, effective 12/2/93. Statutory Authority: RCW 46.20.391, 46.01.110 and 46.65.020, 86-07-018 (Order DS 2), § 308-104-056, filed 3/12/86; Order MV-222, § 308-104-056, filed 10/29/74.]

WAC 308-104-070 Concurrent suspension, revocation, and denial terms. Except as otherwise required by law, the department shall suspend, revoke or deny the driver's license or nonresident driving privilege of every person who is convicted of more than one offense requiring such suspension, revocation, or denial arising from the same incident for one term which will be the longest of the terms of suspension, revocation, or denial.

[Statutory Authority: RCW 46.01.110, 00-18-069, § 308-104-070, filed 9/1/00, effective 10/2/00; Order MV-172, § 308-104-070, filed 7/16/73.]

WAC 308-104-075 Driver's licenses—Prohibited practices—Suspension, cancellation, or denial period.

The department shall suspend, cancel, or deny all driving privileges of a person who has been convicted of or determined by the department to have committed one of the prohibited practices relating to drivers' licenses listed in RCW 46.20.0921 for a period of not less than sixty consecutive days and not more than three hundred sixty-four consecutive days. For purposes of RCW 46.20.0921 (1)(e), an application for a commercial driver's license includes the application for a driver's license under RCW 46.20.091 and the application for a commercial driver's license under RCW 46.25.070.

[Statutory Authority: RCW 46.01.110, 46.20.207, 46.20.291, 06-16-087, § 308-104-075, filed 7/31/06, effective 8/31/06.]

WAC 308-104-080 Reissue fee—When required. The driver's license of any person that has been suspended, revoked or denied for any reason shall not be reissued until such person shall pay the required reissue fee; except, that such reissue fee shall not be required when the imposition of the suspension, revocation, or denial was invalid or void or when the suspension, revocation, or denial was imposed because the subject was incompetent to operate a vehicle due to a physical or mental disability, because the subject had failed to attend a driver improvement interview, because the person's filing of proof of financial responsibility for the future had been canceled or terminated, because the person defaulted on an agreement to pay damages resulting from a vehicle accident, or because the person was refused a license due to a suspension, revocation, or denial in another jurisdiction.

[Statutory Authority: RCW 46.01.110. 00-18-069, § 308-104-080, filed 9/1/00, effective 10/2/00; 93-22-071, § 308-104-080, filed 11/1/93, effective 12/2/93. Statutory Authority: RCW 46.20.391, 46.01.110 and 46.65.020. 86-07-018 (Order DS 2), § 308-104-080, filed 3/12/86; Order MV-172, § 308-104-080, filed 7/16/73.]

WAC 308-104-090 Reissue fee—Where paid and accepted. Reissue fees may be paid at any licensing services office or at the department's central state office at any time during normal operating hours.

[Statutory Authority: RCW 46.01.110. 00-18-069, § 308-104-090, filed 9/1/00, effective 10/2/00; 93-22-071, § 308-104-090, filed 11/1/93, effective 12/2/93. Statutory Authority: RCW 46.20.391, 46.01.110 and 46.65.020. 86-07-018 (Order DS 2), § 308-104-090, filed 3/12/86; Order MV-172, § 308-104-090, filed 7/16/73.]

WAC 308-104-100 Occupational/temporary restricted driver's license—Person eligible. (1) Upon proper application, the department shall issue an occupational/temporary restricted driver's license to any person who has had his or her driver's license suspended or revoked who meets the requirements of RCW 46.20.380 and 46.20.391, provided that on the date of conviction for the offense on which the suspension or revocation is based or, if the suspension or revocation is based on an administrative action, on the date the suspension or revocation became effective, or, if there are multiple suspensions or revocations in effect, on the date of conviction for the offense on which the first suspension or revocation is based or on the date the first suspension or revocation based on an administrative action became effective:

- (a) The person had an unexpired driver's license;
- (b) The person did not have his or her resident driver's license or nonresident driving privilege suspended or revoked for any reason; and
- (c) The person had not been required to surrender his or her Washington driver's license to the department for failure to maintain proof of financial responsibility for the future.

(2) No person may petition for, and the department shall not issue, an occupational/temporary restricted driver's license that is effective during:

- (a) The first thirty days of any suspension or denial imposed under RCW 46.20.3101 (2)(a) or (3)(a);
- (b) The first ninety days of any revocation or denial imposed under RCW 46.20.3101 (1)(a); or

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(c) The first year of any revocation or denial imposed under RCW 46.20.3101 (1)(b), (2)(b), or (3)(b).

(3) Notwithstanding the provisions of this section, an occupational/temporary restricted driver's license shall not be issued for the operation of a commercial motor vehicle when the commercial driver has had his or her license suspended, revoked, or denied, or has been disqualified from operating a commercial motor vehicle.

[Statutory Authority: RCW 46.01.110 and 46.20.391 (1)(c). 04-18-059, § 308-104-100, filed 8/27/04, effective 9/27/04. Statutory Authority: RCW 46.01.110. 00-18-070, § 308-104-100, filed 9/1/00, effective 10/2/00. Statutory Authority: RCW 46.01.110 and 1989 c 178 §§ 3, 5, 8 and 16. 89-18-003, § 308-104-100, filed 8/24/89, effective 9/24/89. Statutory Authority: RCW 46.20.391, 46.01.110 and 46.65.020. 86-07-018 (Order DS 2), § 308-104-100, filed 3/12/86. Statutory Authority: RCW 46.01.110. 82-03-046 (Order 668 DOL), § 308-104-100, filed 1/19/82; Order MV 349, § 308-104-100, filed 1/28/76.]

WAC 308-104-105 Occupational/temporary restricted license denial hearings. (1) Upon notification by the department that an occupational/temporary restricted driver's license has been denied under RCW 46.20.391 the aggrieved person may request a formal hearing to contest the department's decision. No hearing need be granted where the department is prevented from issuing an occupational/temporary restricted driver's license by rule or law. A request for a hearing must be submitted in writing.

(2) Within ten days of receipt of a request for a hearing, the department shall notify the requester in writing of the time and location of the hearing. The hearing may be held either in the person's county of residence or in any county adjoining the person's county of residence, except that all or part of the hearing may, at the discretion of the department, be conducted by telephone or other electronic means.

(3) The hearing shall be conducted by a hearing officer appointed by the director. The director may delegate the authority to render final decisions to the hearing officer.

(4) The scope of the hearing shall be limited to the following issues:

(a) Whether the person had a valid license on date of conviction or, if the suspension or revocation is based on an administrative action, on the date the suspension or revocation became effective, or, if there are multiple suspensions or revocations in effect, on the date of conviction for the offense on which the first suspension or revocation is based or on the date the first suspension or revocation based on an administrative action became effective.

(b) Whether the suspension or revocation giving rise to the application for an occupational/temporary restricted driver's license is one for which an occupational/temporary restricted driver's license may be issued under RCW 46.20.-391.

(c) Whether the person has committed an offense of vehicular assault or vehicular homicide within the seven years immediately preceding the conviction or incident for which the occupational/temporary restricted driver's license is requested or, if there are multiple suspensions or revocations in effect, within the seven years immediately preceding the latest conviction or incident for which the occupational/temporary restricted driver's license is requested.

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(d) Whether the person is currently suspended or revoked for any reason for which an occupational/temporary restricted driver's license is not available.

(e) Whether it is necessary that the person operate a motor vehicle because he or she:

(i) Is engaged in an occupation or trade that makes it essential that the person operate a motor vehicle. For purposes of this section, occupation or trade means being self-employed, or in the employ of another, for monetary compensation;

(ii) Is undergoing continuing health care or providing continuing care to another who is dependent upon the person;

(iii) Is enrolled in an educational institution and pursuing a course of study leading to a diploma, degree, or other certification of successful educational completion;

(iv) Is undergoing substance abuse treatment or is participating in meetings in a twelve-step group such as Alcoholics Anonymous that requires the person to drive to or from the treatment or meetings;

(v) Is fulfilling court-ordered community service responsibilities;

(vi) Is in a program that assists persons who are enrolled in a WorkFirst program pursuant to chapter 74.08A RCW to become gainfully employed and the program requires a driver's license;

(vii) Is in an apprenticeship, on-the-job training, or welfare-to-work program; or

(viii) Presents evidence that he or she has applied for a position in an apprenticeship or on-the-job training program for which a driver's license is required to begin the program.

(5) The person's official driving record provided to the hearing officer by the department shall be prima facie evidence of the issues contained in subsection (4)(a) through (d) of this section unless the person presents clear and convincing evidence to the contrary.

(6) The person shall have the burden of proving that he or she meets one or more of the qualifying circumstances described in subsection (4)(e) of this section that makes it essential to operate a motor vehicle.

(7) In the event that the person fails to appear for the hearing, no hearing shall be held. The case shall be remanded to the department and the department's previous decision denying the occupational/temporary restricted driver's license shall be affirmed.

[Statutory Authority: RCW 46.01.110 and 46.20.391 (1)(c). 04-18-059, § 308-104-105, filed 8/27/04, effective 9/27/04. Statutory Authority: RCW 46.01.110. 00-18-070, § 308-104-105, filed 9/1/00, effective 10/2/00. Statutory Authority: RCW 46.01.110 and 1989 c 178 §§ 3, 5, 8 and 16. 89-18-003, § 308-104-105, filed 8/24/89, effective 9/24/89. Statutory Authority: RCW 46.20.391, 46.01.110 and 46.65.020. 86-07-018 (Order DS 2), § 308-104-105, filed 3/12/86.]

WAC 308-104-130 Convictions—Driving records.

(1) The department shall consider the information transmitted on the abstract of conviction as being accurate for the purposes of recording information on the defendant's driving record and initiating suspension/revocation action. The defendant shall be deemed to have been convicted of the traffic law violation(s) if any of the following appears on the abstract:

(a) The payment of a fine.

(b) An unvacated forfeiture of bail or collateral deposited to secure the defendant's appearance in court.

(c) A plea of guilty by the defendant.

(d) A finding of guilt.

(2) For the purposes of maintaining the driving record, initiating a driver's license or driving privilege suspension, revocation, or denial, and requiring the filing of proof of financial responsibility, the conviction shall be deemed final if any one or more of the elements listed in subsection (1) is present regardless of whether the imposition of sentence is deferred or penalty suspended. The department will not amend or modify the driving record of any driver's license or driving privilege suspension, revocation, or denial if the court subsequently dismisses the charge at the conclusion of a successful deferral or probation period.

(3) For purposes of Title 46 RCW:

(a) The forfeiture of bail shall be considered a conviction unless the court vacates that forfeiture.

(b) The payment of a fine on a traffic violation charge shall be considered a conviction unless the court subsequently reimburses the defendant for all fines, costs, and other penalties imposed.

(c) A plea of guilty shall be considered a conviction unless the defendant withdraws the plea of guilty during the proceedings, the defendant appeals the judgment and there has been a perfection of notice of appeal, or the court sets aside the judgment and orders a new trial.

(d) A finding of guilt shall be considered a conviction unless the court approves a motion for a new trial or the defendant appeals the conviction to a higher court and there has been a perfection of notice of appeal.

(4) If a court defers a finding after hearing the evidence, the department shall not consider the defendant as having been convicted until a final disposition is entered by that court, except when the defendant entered a guilty plea which was not withdrawn, or when the court imposed a penalty or sanction, including the payment of court costs, which could only be imposed upon a determination that the defendant was guilty.

(5) A reporting error by the court that materially alters the original record of a conviction for a mandatory offense must be reported to the department in writing accompanied by a copy of the docket, or other permanent court record.

[Statutory Authority: RCW 46.01.110. 00-18-070, § 308-104-130, filed 9/1/00, effective 10/2/00. Statutory Authority: RCW 46.20.391, 46.01.110 and 46.65.020. 86-07-018 (Order DS 2), § 308-104-130, filed 3/12/86; Order MV 349, § 308-104-130, filed 1/28/76.]

WAC 308-104-135 Open container law infractions—Placement on driving records. A traffic infraction under RCW 46.61.519 (1) or (2) shall not be placed on the driving record of the person found to have committed the infraction if the department determines to its satisfaction that the person was a passenger in the vehicle at the time the notice of infraction was issued.

[Statutory Authority: RCW 46.20.391, 46.01.110 and 46.65.020. 86-07-018 (Order DS 2), § 308-104-135, filed 3/12/86.]

WAC 308-104-145 Driving record abstracts—Release to insurance companies. For purposes of RCW 46.52.130, an abstract of driving record provided to an insur-

ance company that has insurance in effect covering a person's employer or a prospective employer shall exclude any information pertaining to the person's operation of a noncommercial motor vehicle. The abstract provided to the insurance company that has insurance in effect covering the person, or the insurance company to which the person has applied, shall exclude any information pertaining to the person's operation of a commercial motor vehicle. The abstract provided to the insurance company shall also exclude any information except that related to the commission of misdemeanors or felonies by the individual pertaining to law enforcement officers or fire fighters as defined in RCW 41.26.020, or any member of the Washington state patrol, while driving official vehicles in the performance of occupational duty. As used in this section, "commercial motor vehicle" shall have the meaning defined in RCW 46.25.010(6).

[Statutory Authority: RCW 46.01.110. 93-22-071, § 308-104-145, filed 11/1/93, effective 12/2/93. Statutory Authority: RCW 46.01.110 and 46.25.140. 90-17-028, § 308-104-145, filed 8/8/90, effective 9/8/90.]

WAC 308-104-150 Address requests—Terms and fees. Where not otherwise prohibited by law or rule, the department may make available the address of a person whose driving record or identicard record is maintained by the department. A request for an address must be in writing, and must include the full name and the driver's license number or date of birth of the person whose address is requested.

The department shall collect in advance a fee of two dollars for each address requested in a single listing up to and including ten addresses, and fifteen cents for each additional address on that single listing: Provided, That the addresses will be provided to all governmental agencies without charge.

[Statutory Authority: RCW 46.01.110. 00-18-070, § 308-104-150, filed 9/1/00, effective 10/2/00; 82-03-046 (Order 668 DOL), § 308-104-150, filed 1/19/82.]

WAC 308-104-155 Driving records—Designation of persons other than employees of the department as agents for certification. For purposes of Title 46 RCW, the director of the department of licensing may designate persons other than employees of the department as agents to furnish certified abstracts of driving records under seal of the director. This section shall only apply when the driving record has been obtained by the designated agent through electronic data transmission from the department's computer records.

[Statutory Authority: RCW 46.01.110. 00-18-070, § 308-104-155, filed 9/1/00, effective 10/2/00; 91-01-063, § 308-104-155, filed 12/14/90, effective 1/14/91.]

WAC 308-104-160 Nonmoving violation defined. A "nonmoving violation" as used in RCW 46.65.020 and this chapter shall mean any violation or traffic infraction in Title 46 RCW, other than those moving violations included in the following list or violations of substantially similar laws, administrative regulations, local laws, ordinances, regulations, or resolutions of a political subdivision of this state, the federal government, or any other state:

(1) Driving while under the influence of intoxicating liquor or any drug as defined by RCW 46.61.502;

(2) Physical control of a motor vehicle while under the influence of intoxicating liquor or any drug, as defined by RCW 46.61.504;

(3) Vehicular homicide, as defined by RCW 46.61.520;

(4) Vehicular assault, as defined by RCW 46.61.522;

(5) Reckless driving, as defined by RCW 46.61.500;

(6) Racing, as defined by RCW 46.61.530;

(7) Embracing, as defined by RCW 46.61.665;

(8) Hit and run (injury, death, or occupied vehicle), as defined by RCW 46.52.020;

(9) Attempting to elude a police vehicle, as defined by RCW 46.61.024;

(10) Driving while driving privilege suspended or revoked, as defined by RCW 46.20.342, 46.20.394, or 46.20.420;

(11) Reckless endangerment of roadway workers, as defined in RCW 46.61.527;

(12) Driver under twenty-one driving or being in physical control of a motor vehicle after consuming alcohol, as defined in RCW 46.61.503;

(13) Driving or in physical control of commercial motor vehicle while having alcohol in system, as defined in RCW 46.25.110;

(14) Open container violation (driver), as defined by RCW 46.61.519;

(15) Negligent driving in the first degree, as defined by RCW 46.61.5249;

(16) Negligent driving in the second degree, as defined by RCW 46.61.525;

(17) Hit and run (unattended vehicle or property), as defined by RCW 46.52.010;

(18) Disobey road sign, as defined by RCW 46.61.050 and 46.61.070;

(19) Disobey signalman, officer, or fire fighter, as defined by RCW 46.61.015, 46.61.020, 46.61.021, or 46.61.022;

(20) Disobey school patrol, as defined by RCW 46.61.385;

(21) Speed too fast for conditions, as defined by RCW 46.61.400;

(22) Speed in excess of maximum limit, as defined by RCW 46.61.400 or 46.61.460;

(23) Speeding in a school zone, as defined by RCW 46.61.440;

(24) Failure to stop, as defined by RCW 46.61.055, 46.61.065, 46.61.195, 46.61.200, 46.61.340, 46.61.345, 46.61.350, 46.61.365, 46.61.370, or 46.61.375;

(25) Failure to yield right of way, as defined by RCW 46.61.180, 46.61.185, 46.61.190, 46.61.202, 46.61.205, 46.61.210, 46.61.215, 46.61.220, 46.61.235, 46.61.245, 46.61.261, 46.61.300, or 46.61.427;

(26) Failure to keep to the right, as defined by RCW 46.61.100 or 46.61.105;

(27) Wrong way on a one-way street or rotary traffic island, as defined by RCW 46.61.135;

(28) Improper lane change or travel, as defined by RCW 46.61.140;

(29) Straddling or driving over centerline, as defined by RCW 46.61.140;

(30) Driving on the wrong side of the road, as defined by RCW 46.61.150;

- (31) Crossing divider, as defined by RCW 46.61.150;
- (32) Improper entrance to or exit from freeway, as defined by RCW 46.61.155;
- (33) High occupancy vehicle lane violation, as defined by RCW 46.61.165;
- (34) Improper overtaking or passing, as defined by RCW 46.61.110, 46.61.115, 46.61.120, 46.61.125, or 46.61.130;
- (35) Passing stopped school bus, as defined by RCW 46.61.370;
- (36) Passing stopped private carrier bus, as defined by RCW 46.61.375;
- (37) Following too closely, as defined by RCW 46.61.145;
- (38) Following fire apparatus, as defined by RCW 46.61.635;
- (39) Crossing fire hose, as defined by RCW 46.61.640;
- (40) Driving on sidewalk, as defined by RCW 46.61.606;
- (41) Driving through safety zone, as defined by RCW 46.61.260;
- (42) Driving with wheels off roadway, as defined by RCW 46.61.670;
- (43) Impeding traffic, as defined by RCW 46.61.100, 46.61.425, or 46.20.427;
- (44) Improper turn, as defined by RCW 46.61.290;
- (45) Prohibited turn, as defined by RCW 46.61.295;
- (46) Failure to signal or improper signal, as defined by RCW 46.61.305;
- (47) Improper backing, as defined by RCW 46.61.605;
- (48) Unlawful operation of motorcycle on roadway, as defined by RCW 46.61.608;
- (49) Reckless endangerment, as defined by RCW 9A.36.050;
- (50) Failure to maintain control, as defined by RCW 46.61.445;
- (51) Violation of license restriction(s), as defined by RCW 46.20.041 or 46.20.740;
- (52) Violation of instruction permit restrictions, as defined by RCW 46.20.055;
- (53) Violation of out-of-service order, as defined by RCW 46.25.090;
- (54) Obstructed vision or control, as defined by RCW 46.61.615;
- (55) Carrying persons or animals outside of vehicle, as defined by RCW 46.61.660;
- (56) Carrying passenger in towed vehicle, as defined by RCW 46.61.625;
- (57) Coasting on downgrade, as defined by RCW 46.61.630;
- (58) Violation of child restraint requirements, as defined by RCW 46.61.687;
- (59) Carrying child under the age of five years old on motorcycle, as defined by RCW 46.37.530;
- (60) Carrying passenger improperly on motorcycle, as defined by RCW 46.61.610;
- (61) No helmet, goggles, mirrors, windshield or face shield, as defined by RCW 46.37.530;
- (62) Motorcycle handlebars above maximum height, as defined by RCW 46.61.611;
- (63) Operating moped on freeway or sidewalk, as defined by RCW 46.61.710;

- (64) Illegal, improper, defective, or missing vehicle equipment, as defined by RCW 46.37.010;
- (65) Driving without lights, as defined by RCW 46.37.020;
- (66) Failure to dim lights, as defined by RCW 46.37.230;
- (67) Operating motorcycle without lights, as defined by RCW 46.37.522;
- (68) No lamp, reflector, or flag on extended load, as defined by RCW 46.37.140;
- (69) Unnecessary noise, as defined by RCW 46.37.380;
- (70) Wearing earphones or viewing television in vehicle, as defined by RCW 46.37.480;
- (71) Permitting illegal vehicle operation, as defined by RCW 46.20.343 or 46.61.675;
- (72) Failure to secure load, as defined by RCW 46.37.490;
- (73) Spilling load, as defined by RCW 46.61.655; and
- (74) Improper towing, as defined by RCW 46.44.070.

[Statutory Authority: RCW 46.01.110. 00-18-070, § 308-104-160, filed 9/1/00, effective 10/2/00. Statutory Authority: RCW 46.10.110. 92-08-045, § 308-104-160, filed 3/25/92, effective 4/25/92. Statutory Authority: RCW 46.20.391, 46.01.100 and 46.65.020. 86-07-018 (Order DS 2), § 308-104-160, filed 3/12/86. Statutory Authority: RCW 46.01.110. 82-21-002 (Order 697-DOL), § 308-104-160, filed 10/7/82; 82-03-046 (Order 668 DOL), § 308-104-160, filed 1/19/82.]

WAC 308-104-170 Alcohol or drug abuse treatment program. (1) For the purposes of Title 46 RCW, a person shall be deemed to have undertaken and followed a course of treatment for alcohol or drug abuse on a program approved by the department of social and health services if he or she has been under said program for at least sixty days: Provided, That the department may accept a shorter treatment term upon a showing that the full sixty days of treatment would not be in the best interests of the person's recovery progress.

(2) The term "program approved by the department of social and health services," as used in Title 46 RCW, shall mean an alcohol or drug abuse treatment program meeting the requirements of chapter 388-305 WAC.

[Statutory Authority: RCW 46.01.110. 00-18-070, § 308-104-170, filed 9/1/00, effective 10/2/00; 93-22-071, § 308-104-170, filed 11/1/93, effective 12/2/93; 82-03-046 (Order 668 DOL), § 308-104-170, filed 1/19/82.]

WAC 308-104-340 Formal hearings—Habitual traffic offenders. At the formal hearing held by the department to determine whether the driver is a habitual offender, the certified abstract of convictions of traffic offenses or determinations that the indicated traffic infractions occurred shall be prima facie evidence that the person named therein was duly convicted by the court wherein such conviction or holding was made of each offense or infraction shown by such transcript or abstract.

A person may bring a collateral attack on the constitutional validity of the convictions for the traffic offenses giving rise to the proposed license revocation, pursuant to RCW 46.65.020(1): Provided, however, That the person collaterally attacking the constitutional validity of any conviction for a traffic offense must prove by clear, cogent and convincing evidence both of the following:

- (1) That the person pleaded guilty to a traffic offense for which imprisonment was authorized without having been

advised of his or her right to be represented by counsel and or his or her right to have counsel appointed if indigent; and

(2) As the result of the guilty plea, the driver was sentenced to jail and actually served time in jail.

The department may, in addition, consider any records in its possession with respect to any conviction(s) which is (are) being collaterally attacked.

[Statutory Authority: RCW 46.01.110, 92-08-045, § 308-104-340, filed 3/25/92, effective 4/25/92.]

Chapter 308-106 WAC MANDATORY INSURANCE

WAC

308-106-010	Insurance identification card.
308-106-020	Insurance identification card—Content.
308-106-030	Insurance identification card—Self-insurance—Certificate of deposit—Bond.

WAC 308-106-010 Insurance identification card. (1)

Any person who operates a motor vehicle subject to registration under chapter 46.16 RCW must have an identification card in his or her possession, as required by section 4(1), chapter 353, Laws of 1989, unless exempt under section 2 (4)(a) or (b) of that chapter.

(2) In the event that an identification card contains a description of the insured vehicle(s), and the person acquires any additional or replacement vehicle(s), possession of a valid insurance identification card previously issued, along with proof of recent acquisition or transfer of ownership of the additional or replacement vehicle(s), shall be deemed to fulfill the requirements of this section for a period not to exceed thirty days after such vehicle(s) was acquired. The person must notify the company issuing the identification card of the acquisition of the additional or replacement vehicle(s) within fifteen days of acquisition. Possession of any binder issued pending the issuance of a motor vehicle liability policy shall likewise be deemed to fulfill the requirements of this section.

[Statutory Authority: RCW 46.01.110 and 1989 c 353 § 3. 89-22-030, § 308-106-010, filed 10/26/89, effective 11/26/89.]

WAC 308-106-020 Insurance identification card—

Content. Whenever an insurance company issues or renews a motor vehicle liability insurance policy, the company shall provide the policy holder with an identification card that is to include, at a minimum:

- (a) The name of the insurance company;
- (b) The policy number;
- (c) The effective date of the policy;
- (d) The expiration date of the policy; and
- (e) A description of the year, make and/or model of the insured vehicle(s) and/or the name of the insured driver. If there are five or more vehicles under common ownership, the word "fleet" may be used in place of the vehicle description. The insurance company may issue a supplemental listing of vehicles covered.

If an insurance company issues an identification card containing information in addition to that identified above, the above information shall be printed in such a way so as to be readily discernible. To the extent practical, the insurance

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identification card shall be printed in a manner so as to discourage tampering.

[Statutory Authority: RCW 46.01.110 and 1989 c 353 § 3. 89-22-030, § 308-106-020, filed 10/26/89, effective 11/26/89.]

WAC 308-106-030 Insurance identification card—Self-insurance—Certificate of deposit—Bond. A person or organization providing proof of compliance through self-insurance, as provided in RCW 46.29.630, certificate of deposit, as provided in RCW 46.29.550, or bond, shall provide an identification card to all covered drivers. The card shall contain the following information:

- (a) For persons or organizations who are self-insured:
 - (i) The self-insurance number issued by the department of licensing;
 - (ii) The effective date of the certificate of self-insurance; and
 - (iii) A description of the year, make and/or model of the vehicles covered by the certificate of self-insurance and/or the name of the driver covered by the certificate of self-insurance. The word "fleet" may be used in place of the vehicle description. The person or organization may issue a supplemental listing of vehicles covered;
- (b) For persons or organizations who are covered by a certificate of deposit:
 - (i) The certificate number issued by the state treasurer; and
 - (ii) The name of the driver covered by the certificate of deposit;
- (c) For persons or organizations covered by a liability bond:
 - (i) The name of the company issuing the bond;
 - (ii) The bond number; and
 - (iii) The name of the driver covered by the bond.

[Statutory Authority: RCW 46.01.110 and 1989 c 353 § 3. 89-22-030, § 308-106-030, filed 10/26/89, effective 11/26/89.]

Chapter 308-108 WAC DRIVER TRAINING SCHOOLS

WAC

308-108-010	Promulgation—Authority.
308-108-020	Definitions.
308-108-025	Fees.
308-108-070	Background check and fingerprint check.
308-108-080	Instructor's license—Application.
308-108-090	Instructing instructors in the training of drivers.
308-108-100	Place of business—Classroom space.
308-108-110	Traffic safety education vehicles.
308-108-120	Administration.
308-108-130	Inspection and review.
308-108-140	Reporting requirements.
308-108-150	Curriculum schedule.
308-108-160	Behind the wheel instruction and observation.
308-108-170	Ensuring student accomplishment.
308-108-180	Disciplinary action—Public notice of actions taken.

WAC 308-108-010 Promulgation—Authority. Pursuant to RCW 46.82.290(2), this chapter is promulgated for the purpose of establishing basic requirements governing the operations and scope of traffic safety education programs that are offered by commercial businesses, and includes policies and practices for monitoring and ensuring the ongoing quality of the commercial driver training program.

[Title 308 WAC—p. 321]

[Statutory Authority: RCW 46.82.290, 05-16-061, § 308-108-010, filed 7/29/05, effective 8/29/05.]

WAC 308-108-020 Definitions. The definitions of this section apply throughout this chapter unless the context clearly requires otherwise:

(1) "Behind the wheel instruction" means that portion of a traffic safety education course that consists of on-street, dual-controlled vehicle operation or similar instruction given under simulated conditions that has had prior approval of the director.

(2) "Branch office" or "branch classroom" means a facility within a thirty-five mile radius of a driver training school's established place of business that has been approved by the department for use by the driver training school.

(3) "Engage in a course of instruction" means to enroll in, schedule, collect a fee for, or sign an application for an instruction permit in order to attend or take part in a driver training education course.

(4) "Inactive Instructor" means an instructor with a valid Washington instructor's license who is no longer employed by or otherwise associated with a licensed driver training school.

(5) "Instructor-trainer" means a currently licensed instructor who is training driving instructors and who has not less than:

(a) One thousand hours of experience in providing traffic safety education in the past year;

(b) Five years of previous experience in providing traffic safety education; or

(c) One thousand hours or five years experience in the field of traffic safety and proof of training acceptable to the director in how to teach and train others, and not less than three hundred hours of previous experience in training others.

(6) "Records" means all documents, papers and reports required to own a driver training school, including but not limited to:

(a) Vehicle registration, title, insurance policy, and maintenance information;

(b) Business financial documents, such as franchise agreements, corporate documents, bank records, partnership agreements, lease agreements, and purchase and sale agreements; and

(c) Student classroom and behind-the-wheel instruction reports.

(7) "Student" means any person attending a driver training education course who is at least fifteen years of age.

[Statutory Authority: RCW 46.82.290, 46.82.310, 46.82.320, 46.82.330, and 46.82.340. 07-01-069, § 308-108-020, filed 12/18/06, effective 1/18/07. Statutory Authority: RCW 46.82.290, 05-16-061, § 308-108-020, filed 7/29/05, effective 8/29/05.]

WAC 308-108-025 Fees. The following fees shall be charged by the driver services division, department of licensing:

Title of Fee	Fee
Driver training school license original application	\$500.00
Driver training school license renewal application	250.00
Driver training school license transfer	500.00

[Title 308 WAC—p. 322]

Title of Fee	Fee
Branch office or branch classroom original application	250.00
Branch office or branch classroom renewal application	125.00
Instructor's license original application	75.00
Instructor's license renewal application	50.00
Duplicate license	10.00
Knowledge and/or skill examination	25.00

[Statutory Authority: RCW 46.82.290, 46.82.310, 46.82.320, 46.82.330, and 46.82.340. 07-01-069, § 308-108-025, filed 12/18/06, effective 1/18/07.]

WAC 308-108-070 Background check and fingerprint check. An instructor, owner, or other person affiliated with a school who has contact with students must complete a background check through the Washington state patrol criminal identification system and through the federal bureau of investigation, including a fingerprint check, as required by RCW 46.82.325(1).

(1) An applicant for an instructor's license must complete the check at the time of initial application or, for a currently licensed instructor who has not completed such check within the past five years, at the time of the next application for a license renewal.

(2) An owner must complete the check at the time of initial application for a driver training school license or, for an owner of a currently licensed school who has not completed such check within the past five years, at the time of the next application for a license renewal.

(3) A person affiliated with a school who has contact with students must complete the check at the time of initial affiliation with the school or, for a person who is currently affiliated with a school who has not completed such check within the past five years, within the sixty-days prior to the next application for a license renewal for the school. A person who must complete the check under this subsection at the time of initial affiliation with a school may begin duties following the department's notice that it has received an acceptable local criminal background check through the Washington state patrol criminal identification system, pending the outcome of the fingerprint check using the fingerprint card.

[Statutory Authority: RCW 46.82.290, 46.82.310, 46.82.320, 46.82.330, and 46.82.340. 07-01-069, § 308-108-070, filed 12/18/06, effective 1/18/07.]

WAC 308-108-080 Instructor's license—Application. (1) To ensure that an applicant or instructor meets the conditions set out in RCW 46.82.330 (2)(a), the department shall review the complete abstract of driving record for all instructor's license applicants and licensed instructors. For this purpose:

(a) A moving traffic violation is an offense listed as a moving violation in WAC 308-104-160. The department will determine the number of moving traffic violations received by an applicant within a given time period based on the date(s) that the violation(s) occurred.

(b) An alcohol-related traffic violation will be deemed to have occurred if within the seven-year period immediately preceding the time of application an alcohol-related traffic incident occurred that resulted in:

(i) A conviction or finding that a traffic infraction was committed for violation of RCW 46.61.502, 46.61.503,

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46.61.504, 46.61.519, 46.61.5195, 46.61.520 (1)(a), 46.61.522 (1)(b), or 46.61.5249, or a substantially similar law, administrative regulation, local law, ordinance, regulation, or resolution of a political subdivision of this state, the federal government, or any other state;

(ii) An administrative action imposed under RCW 46.20.3101;

(iii) An administrative action imposed under RCW 46.25.090 (1)(a), (b), or (e); or

(iv) Entry into a deferred prosecution agreement for an alcohol-dependency based case.

(c) A driver's license suspension, cancellation, revocation, or denial will be deemed to exist within the preceding five years if any such suspension, cancellation, revocation, or denial has been in effect at any time within the five-year period immediately preceding the time of application.

(2) The instructor's license applicant must submit satisfactory evidence of completion of a course of instruction as approved by the director in the training of drivers at time of initial application.

(3) For instructor's licenses that expire on or after July 1, 2007, each application for renewal of an instructor's license must be accompanied by proof of no less than eight hours of continuing professional development as approved by the director.

(4) Application for initial or renewal of an instructor's license is not complete until the applicant passes any examination requirement for licensure under RCW 46.82.320(1) or 46.82.330 (2)(e).

[Statutory Authority: RCW 46.82.290, 46.82.310, 46.82.320, 46.82.330, and 46.82.340. 07-01-069, § 308-108-080, filed 12/18/06, effective 1/18/07. Statutory Authority: RCW 46.82.290. 05-16-061, § 308-108-080, filed 7/29/05, effective 8/29/05.]

WAC 308-108-090 Instructing instructors in the training of drivers. (1) The course of instruction approved by the director in the training of drivers required under RCW 46.82.330 (2)(d) shall include instruction in driver education classroom methods and principles that prepare an instructor to provide traffic safety education as described in these rules and in state law.

(2) To ensure the quality of the training given, the instruction course must:

(a) Be provided by, and under the direct supervision of:

(i) An institution of higher learning accredited by the Northwest Association of Schools and Colleges or by an accrediting association recognized by the higher education board;

(ii) A licensed private vocational school as that term is defined by RCW 28C.10.020(7); or

(iii) An instructor-trainer.

(b) Be not less than one hundred hours in total length and consist of:

(i) Not less than fifty hours of instruction in behind the wheel teaching methods;

(ii) Not less than ten hours of supervised practice in behind the wheel teaching of driving techniques;

(iii) Not less than forty hours total of instruction that includes all of the following areas:

(A) Education and special education;

(B) Driver education teacher, instructor, or trainer skills training;

(C) Classroom teaching techniques;

(D) Communication skills;

(E) Teaching the concepts of driving and traffic safety to others;

(F) Educational methods, theories and concepts in teaching a driver education course, and knowledge of all aspects of the driving task;

(G) Developing instructional materials and activities that aid student learning and performance;

(H) Defining and describing the nature of the driving task on public highways;

(I) Establishing and maintaining classroom organization;

(J) Managing enrollment, student scheduling, student records, and required reports; and

(K) Planning a course of student instruction with outlines, lesson plans, and student performance evaluation tools.

(3) The department must approve an instructor training course curriculum before use by an instructor-trainer.

(4) Any revision to an approved instructor training course curriculum used by an instructor-trainer must be submitted for review and approval by the department no less than thirty days prior to its use.

(5) The department may consider other instructional methods, instruction providers, or academic instruction in lieu of those listed in subsection (2) of this section.

(6) Before an instructor training course is given, the instructor-trainer or owner must submit a list of the dates, times, and locations for the training, the names of the persons to be trained, and the name of the instructor-trainer who will be providing training.

(7) The department may monitor instructor education courses at any time to ensure that the instructor training requirements of this section are being satisfied.

[Statutory Authority: RCW 46.82.290. 07-01-070, § 308-108-090, filed 12/18/06, effective 9/1/07; 05-16-061, § 308-108-090, filed 7/29/05, effective 8/29/05.]

WAC 308-108-100 Place of business—Classroom space. (1) The place of business of a driver training school:

(a) Shall not be established nor any business of a driver training school conducted or solicited within one thousand feet of an office building owned or leased by the department of licensing in which examinations for driver's licenses are conducted. The distance of one thousand feet shall be measured along the public streets by the nearest route from the place of business to such building. If the department establishes an office in which examinations for driver's licenses are conducted within one thousand feet of a driver training school's existing location, the driver training school may continue operations in such location until there is a change in school ownership, or the license to operate is not renewed or is suspended or revoked for cause.

(b) Shall be regularly occupied and used exclusively for the business of giving driver instruction. Regularly occupied means that the public and the department can expect to make contact with the school owner or its staff or instructors at the main office during its business hours; and

(c) Shall meet all applicable requirements of chapter 46.82 RCW.

(2) A driver training school's classroom space shall:

(a) Provide sufficient seating and table or desk space for all students enrolled in each class;

(b) Be properly equipped with all other equipment necessary for student training and instruction purposes; and

(c) Use walls, partitions, or separate scheduling of classroom and office activities if the classroom shares a single space with the driver training school office in order to mitigate student distraction or disruption of the instruction.

[Statutory Authority: RCW 46.82.290, 46.82.310, 46.82.320, 46.82.330, and 46.82.340. 07-01-069, § 308-108-100, filed 12/18/06, effective 1/18/07. Statutory Authority: RCW 46.82.290. 05-16-061, § 308-108-100, filed 7/29/05, effective 8/29/05. Statutory Authority: RCW 46.01.110. 91-01-063, § 308-108-100, filed 12/14/90, effective 1/14/91.]

WAC 308-108-110 Traffic safety education vehicles.

(1) All vehicles used for student instruction by a commercial driver training school shall:

(a) Carry a twenty-piece Occupational Safety and Health Act (OSHA) approved first aid kit, fire extinguisher, and emergency strobe light or reflective triangles;

(b) Pass an annual inspection meeting minimum equipment and safety criteria established by the department that has been conducted by or for the school owner; and

(c) Be used exclusively for driver training purposes at all times when student instruction is being given.

(2) Records of all traffic safety education vehicles used by a commercial driver training school shall:

(a) Be maintained at the school's primary place of business; and

(b) Include the original insurance policy or policies covering the vehicles and copies of the current vehicle registrations and annual vehicle safety inspection report.

[Statutory Authority: RCW 46.82.290, 46.82.310, 46.82.320, 46.82.330, and 46.82.340. 07-01-069, § 308-108-110, filed 12/18/06, effective 1/18/07. Statutory Authority: RCW 46.82.290. 05-16-061, § 308-108-110, filed 7/29/05, effective 8/29/05.]

WAC 308-108-120 Administration. (1) The driver training school's license and all instructor certificates shall be posted in a conspicuous place at the location where instruction takes place. The school license must be posted before engaging students in a course of instruction.

(2) Each driver training school shall adopt and provide for its customers a written policy that includes, but is not limited to:

(a) Enrollment criteria;

(b) Student fees and student fee refunds;

(c) Course failures and course repeats;

(d) The minimum and maximum course duration;

(e) Refusing to allow a student to attend a driver training education course before the age of fifteen years;

(f) Refusing to enroll new students in a driver education course after the first three classes have been completed; and

(g) Information about Washington's intermediate licensing requirements, restrictions, and penalties.

(3) Driver training school owners and instructors shall maintain individual student records on forms provided by the department or on substantially similar forms that have been approved by the department. Student records shall document for each student:

(a) Course attendance, starting, and ending dates;

(b) The dates and times for each session of classroom and behind the wheel instruction;

(c) Classroom and behind the wheel progress and time involvement or flowchart;

(d) Classroom and behind the wheel performance evaluation results;

(e) The name and signature of the instructor who provided each session of classroom and behind the wheel instruction; and

(f) That both the student and parent received intermediate license requirements, restriction, and penalty information.

(4) Student records must be maintained by a driver training school for the past five years from the date instruction has ended.

(5) Driver training school records that must be maintained by a driver training school for the past five years, include but are not limited to:

(a) The school's written curriculum guide;

(b) Insurance policies;

(c) Collision or injury reports;

(d) Traffic safety education vehicle registration records; and

(e) Records of any traffic violations committed by an instructor employed by the school.

(6) Upon the sale or other transfer of a school by its owner, the school and student records shall be transferred to the new owner and become the property and responsibility of the new owner.

(7) The driving school owner must notify the department within thirty days of closing the school and submit all unused traffic safety certificates and student course completion reports to the department.

(8) Class size must not exceed city fire code requirements for the classroom.

(9) Traffic safety education classroom hours shall not overlap between two or more classes.

(10) Failure to renew a school license before it expires will put all related branch office or branch classroom licenses into an inactive status.

(11) Student records are subject to department audit and inspection anytime after ninety days of the school's initial licensing, or as soon as practicable for the department.

(12) Branch office or classroom locations must display an official license issued by the department in a conspicuous place.

[Statutory Authority: RCW 46.82.290, 46.82.310, 46.82.320, 46.82.330, and 46.82.340. 07-01-069, § 308-108-120, filed 12/18/06, effective 1/18/07. Statutory Authority: RCW 46.82.290. 05-16-061, § 308-108-120, filed 7/29/05, effective 8/29/05.]

WAC 308-108-130 Inspection and review. (1) The department may require that a driver training school owner submit to an inspection or review of the school's operations and records at any time during regular business hours.

(2) Records shall be housed and immediately available for inspection at a driver training school's primary place of business. Branch office records may be housed at the primary place of business, however, such records must be made available for inspection at the branch location within twenty-four hours following a request for review by the department.

[Statutory Authority: RCW 46.82.290, 46.82.310, 46.82.320, 46.82.330, and 46.82.340. 07-01-069, § 308-108-130, filed 12/18/06, effective 1/18/07. Statutory Authority: RCW 46.82.290. 05-16-061, § 308-108-130, filed 7/29/05, effective 8/29/05.]

WAC 308-108-140 Reporting requirements. All driver training school owners shall:

(1) Report to the department within ten days any driving or traffic-related incidents involving an instructor employed by the school, including but not limited to:

- (a) Conviction for a traffic violation;
- (b) Finding that a traffic infraction has been committed;
- (c) Entry into a deferred prosecution agreement; or
- (d) Suspension, revocation, cancellation, or denial of driving privileges.

(2) Report to the department within twenty-four hours following any traffic safety education vehicle involved in a traffic collision for which an accident report must be or has been made under the provisions of RCW 46.52.030.

(3) Forward to the department by the seventh day of each month, a report of student enrollment in traffic safety education courses provided by the school, including but not limited to:

(a) The start date and end date of any courses provided by the school that are initiated during the reporting period, including the total number of students enrolled in each course;

(b) The names and certificate numbers of all instructors providing classroom and/or behind the wheel instruction for each course;

(c) The names and instruction permit or driver's license numbers or dates of birth of all students enrolled in each course, along with the identifying number of the traffic safety education certificate reserved for each student for issuance upon successful completion of the course.

(4) Not less than annually, forward to the department a vehicle inspection report as required under WAC 308-108-110 (1)(b) for all traffic safety education vehicles in use by the school.

[Statutory Authority: RCW 46.82.290, 46.82.310, 46.82.320, 46.82.330, and 46.82.340. 07-01-069, § 308-108-140, filed 12/18/06, effective 1/18/07. Statutory Authority: RCW 46.82.290. 05-16-061, § 308-108-140, filed 7/29/05, effective 8/29/05.]

WAC 308-108-150 Curriculum schedule. A driver training school may offer classroom and behind the wheel instruction to students throughout the year. In order to be approved by the director, a curriculum schedule must satisfy or include the following requirements:

(1) Classroom and behind the wheel instruction that is complementary. This means that classroom instruction is integrated in a timely manner with behind the wheel instruction;

(2) Having students under age eighteen complete no more than two hours of classroom instruction and no more than one hour of behind the wheel instruction during any single day;

(3) For students under the age of eighteen to meet the traffic safety education requirement of RCW 46.20.100, instruction that:

(a) Includes not less than thirty hours of classroom instruction; and

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(b) Meets the behind the wheel instruction and observation requirements of WAC 308-108-160;

(4) Classroom and behind the wheel instruction in a course that is scheduled for not less than thirty days and not more than twenty-six contiguous weeks in length;

(5) Student enrollment in and attendance of classes no later than the third class session after the start date of the course. Once enrollment is closed, no new students may be enrolled in that traffic safety education course or participate in the classroom instruction or behind the wheel instruction and observation for that course;

(6) Arrangements for any missed classroom sessions to be made up within the maximum twenty-six week length of the course. All assignments and instruction must be equivalent to the instruction given during the missed sessions;

(7) Distributing to students instructional material developed by the department and the federally designated organ procurement organization for Washington state relating to organ and tissue donation awareness education; and

(8) Review and approval of the local school curriculum by the department as part of the initial application for a school license. To help ensure that minimum standards of instruction are met, the local school curriculum must include but is not limited to the following:

(a) Comprehensive elements of classroom and behind the wheel instruction as defined by the department;

(b) Comprehensive written and behind the wheel examinations, to include:

(i) Written examinations as submitted to and approved by the department; and

(ii) Behind the wheel examination criteria as approved by the department;

(c) A flow chart that indicates how the classroom and behind the wheel instruction are integrated; and

(d) Information on the state of Washington's intermediate license requirements, restrictions, violations, and sanctions for violation of these requirements.

[Statutory Authority: RCW 46.82.290, 46.82.310, 46.82.320, 46.82.330, and 46.82.340. 07-01-069, § 308-108-150, filed 12/18/06, effective 1/18/07. Statutory Authority: RCW 46.82.290. 05-16-061, § 308-108-150, filed 7/29/05, effective 8/29/05.]

WAC 308-108-160 Behind the wheel instruction and observation. (1) Instruction provided to students under the age of eighteen must include:

(a) Behind the wheel instruction consisting of:

(i) Not less than six hours of on-street behind the wheel vehicle operation under the direct supervision and direction of a licensed instructor; or

(ii) Five or more hours of on-street behind the wheel vehicle operation and four or more hours of driving simulation instruction under the direct supervision and direction of a licensed instructor; and

(b) One or more hours of additional in-vehicle driver observation.

(2) Behind the wheel instruction must be documented on a form provided or approved by the department, including the time the instruction was conducted, the signature of the instructor, and initials of the student.

[Title 308 WAC—p. 325]

[Statutory Authority: RCW 46.82.290, 07-01-070, § 308-108-160, filed 12/18/06, effective 9/1/07; 05-16-061, § 308-108-160, filed 7/29/05, effective 8/29/05.]

WAC 308-108-170 Ensuring student accomplishment. (1) Each driver training school must have a written curriculum guide available to each instructor and such guide shall be used for student instruction.

(2) In order to receive a traffic safety education certificate, all students under the age of eighteen must satisfactorily complete all portions of the course of instruction included in the student curriculum as approved by the driver instructors' advisory committee.

(3) In order to satisfactorily complete a school's driver training course, all students under the age of eighteen must pass a comprehensive driving knowledge and skills test or tests meeting standards established by the department.

(4) Each driver training school must assess the needs and progress of students and give appropriate direction for additional driving experience and/or parent guided practice.

[Statutory Authority: RCW 46.82.290, 46.82.310, 46.82.320, 46.82.330, and 46.82.340, 07-01-069, § 308-108-170, filed 12/18/06, effective 1/18/07. Statutory Authority: RCW 46.82.290, 05-16-061, § 308-108-170, filed 7/29/05, effective 8/29/05.]

WAC 308-108-180 Disciplinary action—Public notice of actions taken. (1) Licensee responsibilities:

(a) School owners and instructors are responsible for knowing and complying with the requirements of chapter 46.82 RCW and rules promulgated under that chapter.

(b) Any failure to comply with these requirements may lead to disciplinary action affecting an applicant's or licensee's privileges to be licensed or to otherwise operate a commercial driver training school and/or to provide classroom and behind the wheel instruction.

(2) The original or a facsimile of each final order imposing disciplinary action that is issued to a driver training school or any of its instructors by the department shall be conspicuously displayed immediately adjacent to the driver training school's license. The final order shall be displayed for not less than the duration of the sanction period plus the next sixty days or for one year, whichever is less.

[Statutory Authority: RCW 46.82.290, 46.82.310, 46.82.320, 46.82.330, and 46.82.340, 07-01-069, § 308-108-180, filed 12/18/06, effective 1/18/07. Statutory Authority: RCW 46.82.290, 05-16-061, § 308-108-180, filed 7/29/05, effective 8/29/05.]

Chapter 308-124 WAC

REAL ESTATE BROKERS AND SALESPERSONS—GENERAL PROVISIONS

WAC

308-124-007	Meetings.
308-124-021	Definitions.
308-124-025	Application of brief adjudicative proceedings.
308-124-035	Preliminary record in brief adjudicative proceedings.
308-124-045	Conduct of brief adjudicative proceedings.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

308-124-001	Promulgation—Authority. [Statutory Authority: RCW 18.85.040, 87-20-091 (Order PM 683), § 308-124-001, filed 10/7/87; Order RE 120, § 308-124-001, filed 9/20/77; Order RE 114, § 308-124-001, filed 7/2/75]
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(Repealed and amended by Order RE 114, filed 7/2/75); Order RE 107, § 308-124-001, filed 7/20/73; Promulgation to Rules 1-6 (WAC 308-124-010 through 308-124-060), filed 3/24/60.] Repealed by 99-03-042, filed 1/14/99, effective 2/14/99. Statutory Authority: RCW 18.85.040 and the Governor's Executive Order on Regulatory Improvement 97-02.

308-124-005 Organization. [Statutory Authority: RCW 18.85.040 and chapter 18.86 RCW, 97-01-027, § 308-124-005, filed 12/10/96, effective 1/10/97. Statutory Authority: RCW 18.85.040 and SB 6284, 95-03-012, § 308-124-005, filed 1/5/95, effective 2/5/95. Statutory Authority: RCW 18.85.040, 90-23-039, § 308-124-005, filed 11/15/90, effective 12/16/90; 87-20-091 (Order PM 683), § 308-124-005, filed 10/7/87; 82-17-039 (Order 130), § 308-124-005, filed 8/13/82; 81-05-016 (Order RE 128), § 308-124-005, filed 2/10/81; Order RE 114, § 308-124-005, filed 7/2/75; Rules (part), filed 8/24/67.] Repealed by 99-03-042, filed 1/14/99, effective 2/14/99. Statutory Authority: RCW 18.85.040 and the Governor's Executive Order on Regulatory Improvement 97-02.

308-124-010 Credit and character report. [Order RE 107, § 308-124-010, filed 7/20/73; Order RE-101, § 308-124-010, filed 2/17/71; Rule 1, filed 3/24/60.] Repealed by Order RE 114, filed 7/2/75.

308-124-020 Application for license—Credit and character report. [Rule 2, filed 3/24/60.] Repealed by Order RE-101, filed 2/17/71.

308-124-030 Applicant for license previously licensed in another state. [Rule 3, filed 3/24/60.] Repealed by Order RE 114, filed 7/2/75.

308-124-040 Corporate or copartnership applicants for licenses—Proof required. [Order RE 107, § 308-124-040, filed 7/20/73; Rule 4, filed 3/24/60.] Repealed by Order RE 114, filed 7/2/75.

308-124-050 Corporate or copartnership applications for temporary salesman's permit—Proof required. [Rule 5, filed 3/24/60.] Repealed by Order RE 114, filed 7/2/75.

308-124-060 Renewal of licenses—Exemption of servicemen. [Rules (part), filed 12/21/66; Rule 6, filed 3/24/60.] Repealed by Order RE 114, filed 7/2/75.

308-124-065 Salesman second renewal requirements. [Order RE-105, § 308-124-065, filed 9/1/72.] Repealed by Order RE 114, filed 7/2/75.

308-124-070 Successful applicants must apply for license. [Order RE 110, § 308-124-070, filed 3/27/74; Rule 7, filed 3/24/60.] Repealed by Order RE 114, filed 7/2/75.

308-124-080 Notice required of intention to take examination. [Order RE 107, § 308-124-080, filed 7/20/73; Order RE-105, § 308-124-080, filed 9/1/72; Order 5, § 308-124-080, filed 5/13/69; Rules (part), filed 6/28/67; Rule 8, filed 3/24/60.] Repealed by Order RE 114, filed 7/2/75.

308-124-085 Credit and character report—Temporary permit. [Order RE 107, § 308-124-085, filed 7/20/73.] Repealed by Order RE 114, filed 7/2/75.

308-124-087 No temporary permit issued after examination failure. [Order RE 112, § 308-124-087, filed 1/23/75.] Repealed by Order RE 120, filed 9/20/77.

308-124-090 Unsuccessful broker applicants—Loss of waiver privilege. [Order RE 107, § 308-124-090, filed 7/20/73; Order 09-11-70, § 308-124-090, filed 9/14/70; Rule 9, filed 12/21/66.] Repealed by Order RE 114, filed 7/2/75.

308-124-100 Prevention of the same or deceptively similar real estate firm names. [Rule 10, filed 12/21/66.] Repealed by Order RE 114, filed 7/2/75.

308-124-110 Real estate office in same building as residence requirements. [Order RE-102, § 308-124-110, filed 10/28/71; Rule 11, filed 12/21/66.] Repealed by Order RE 114, filed 7/2/75.

308-124-120 Payment of earned commissions to salesmen or associate brokers by broker. [Rule 12, filed 12/21/66.] Repealed by Order RE 114, filed 7/2/75.

308-124-130 Subdivision advertising—Filing with director. [Order RE 110, § 308-124-130, filed 3/27/74; Rule 13, filed 6/28/67.] Repealed by Order RE 116, filed 4/30/76.

308-124-140 Summary revocation of licenses. [Rules (part), filed 8/24/67.] Repealed by Order RE 116, filed 4/30/76.

308-124-150 Application for license—Fingerprinting. [Rules (part), filed 8/24/67.] Repealed by Order RE 116, filed 4/30/76.

308-124-170 Discriminatory acts—Prohibition. [Order 4, § 308-124-170, filed 4/16/68.] Repealed by Order RE 116, filed 4/30/76.

- 308-124-180 Branch offices operating under another name. [Order 5, § 308-124-180, filed 5/13/69.] Repealed by Order RE 116, filed 4/30/76.
- 308-124-190 License fees—Expiration—Renewal. [Order RE-102, § 308-124-190, filed 10/28/71.] Repealed by Order RE 114, filed 7/2/75.
- 308-124-200 Fee brokers prohibited. [Order RE-105, § 308-124-200, filed 9/1/72.] Repealed by Order RE 114, filed 7/2/75.
- 308-124-210 Notification of adverse court action. [Order RE 108, § 308-124-210, filed 9/26/73.] Repealed by Order RE 114, filed 7/2/75.

WAC 308-124-007 Meetings. The real estate commission meets quarterly, March, June, September and December or at the call of the director. Individuals desiring to be informed as to date, time, place and agenda of the meeting must make a written request to the real estate program. Annual notice of the commission's yearly schedule will be published by the code reviser at the beginning of each new year.

[Statutory Authority: RCW 18.85.040 and the Governor's Executive Order on Regulatory Improvement 97-02. 99-03-042, § 308-124-007, filed 1/14/99, effective 2/14/99. Statutory Authority: RCW 18.85.040. 90-23-039, § 308-124-007, filed 11/15/90, effective 12/16/90; 87-20-091 (Order PM 683), § 308-124-007, filed 10/7/87; Order RE 114, § 308-124-007, filed 7/2/75; Order RE-104, § 308-124-007, filed 2/16/72; Order RE-103, § 308-124-007, filed 12/14/71.]

WAC 308-124-021 Definitions. Words and terms used in these rules shall have the same meaning as each has under chapter 18.85 RCW unless otherwise clearly provided in these rules, or the context in which they are used in these rules clearly indicates that they be given some other meaning.

(1) "Designated broker" is the natural person designated by a corporation, limited liability company, limited liability partnership or partnership to act as a broker on behalf of the corporation, limited liability company, limited liability partnership or partnership. The designated broker must be an officer of the corporation, manager or member of the limited liability company, partner of the limited liability partnership or a general partner of the partnership and must be separately qualified for licensure as a real estate broker.

(2) "Principal owner" is a person who owns or controls, directly or indirectly, ten percent or more of a real estate brokerage, regardless of whether such interest stands in the person's true name or in the name of a nominee.

(3) "Individual broker" is the natural person who owns a sole proprietorship brokerage company and is the licensed broker of the firm.

(4) "Affiliated licensees" are the natural persons licensed as salespersons, associate brokers, and/or branch managers employed by a real estate broker and who are licensed to represent a broker in the performance of any of the acts specified in chapter 18.85 RCW.

(5) "Prospect procurement" is initiating contact with a prospective buyer, seller, landlord or tenant for the purpose of engaging in a sale, lease or rental of real estate or a business opportunity, and the contact is initiated under a promise of compensation.

[Statutory Authority: RCW 18.85.040 and The Governor's Order on Regulatory Improvement 97-02. 00-08-035, § 308-124-021, filed 3/29/00, effective 7/1/00; 99-03-042, § 308-124-021, filed 1/14/99, effective 2/14/99. Statutory Authority: RCW 18.85.040. 98-01-107, § 308-124-021, filed 12/17/97, effective 1/17/98; 90-23-039, § 308-124-021, filed 11/15/90, effective 12/16/90; 88-24-059 (Order PM 811), § 308-124-021, filed 12/7/88; 87-20-091 (Order PM 683), § 308-124-021, filed 10/7/87; 81-05-

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016 (Order RE 128), § 308-124-021, filed 2/10/81; 78-11-052 (Order RE 125), § 308-124-021, filed 10/23/78; Order RE 120, § 308-124-021, filed 9/20/77; Order RE 114, § 308-124-021, filed 7/2/75; Order RE-102, § 308-124-021, filed 10/28/71.]

WAC 308-124-025 Application of brief adjudicative proceedings. The director adopts RCW 34.05.482 through 34.05.494 for the administration of brief adjudicative proceedings conducted by request, and/or at the discretion of the director pursuant to RCW 34.05.482, for the categories of matters set forth below. Brief adjudicative proceedings will be limited to a determination of one or more of the following issues:

(1) Whether an applicant for a license meets the minimum criteria for a license to practice as a real estate broker or real estate salesperson in this state and the department proposes to deny the application;

(2) Whether a person is in compliance with the terms and conditions of a final order or agreement previously issued by the department;

(3) Whether to deny or withdraw approval of any real estate clock hour courses, school approval, or instructor approval;

(4) Whether a license holder requesting renewal has submitted all required information and whether a license holder meets minimum criteria for renewal;

(5) Whether a license holder has been certified by a lending agency and reported for nonpayment or default on a federally or state-guaranteed education loan or service-conditional scholarship; and

(6) Whether a cease and desist order issued to an unlicensed person for acting as a real estate broker or salesperson was properly issued.

[Statutory Authority: RCW 18.85.040. 98-01-107, § 308-124-025, filed 12/17/97, effective 1/17/98.]

WAC 308-124-035 Preliminary record in brief adjudicative proceedings. (1) The preliminary record with respect to an application for an original or renewal license, for approval of an education course or curriculum, or for the proper issuance of a cease and desist order shall consist of:

(a) The application for the license, renewal, or approval and all associated documents; or the cease and desist order and all associate documents;

(b) All documents relied upon by the program in proposing to deny the license, renewal, or approval; or all documents relied upon by the program in issuing a cease and desist order; and

(c) All correspondence between the applicant for license, renewal, or approval and the program regarding the application; or all correspondence between the respondent and the program regarding the issuance of the cease and desist order.

(2) The preliminary record with respect to determination of compliance with a previously issued final order or agreement shall consist of:

(a) The previously issued final order or agreement;

(b) All reports or other documents submitted by, or at the direction of, the license holder, in full or partial fulfillment of the terms of the final order or agreement;

(c) All correspondence between the license holder and the program regarding compliance with the final order or agreement; and

(d) All documents relied upon by the program showing that the license holder has failed to comply with the previously issued final order or agreement.

(3) The preliminary record with respect to the determination of nonpayment or default by the license holder on a federally or state-guaranteed education loan or service-conditional scholarship shall consist of:

(a) Certification and report by the lending agency that the identified person is in default or nonpayment on a federally or state-guaranteed education loan or service-conditional scholarship; or

(b) A written release, if any, issued by the lending agency stating that the identified person is making payment on the loan in accordance with a repayment agreement approved by the lending agency.

[Statutory Authority: RCW 18.85.040. 98-01-107, § 308-124-035, filed 12/17/97, effective 1/17/98.]

WAC 308-124-045 Conduct of brief adjudicative proceedings. (1) Brief adjudicative proceedings shall be conducted by a presiding officer for brief adjudicative proceedings designated by the director. The presiding officer for brief adjudicative proceedings shall not have personally participated in the decision which resulted in the request for a brief adjudicative proceeding.

(2) The parties or their representatives may present written documentation. The presiding officer for brief adjudicative proceedings shall designate the date by which written documents must be submitted by the parties.

(3) The presiding officer for brief adjudicative proceedings may, in his or her discretion, entertain oral argument from the parties or their representatives.

(4) No witnesses may appear to testify.

(5) In addition to the record, the presiding officer for brief adjudicative proceedings may employ agency expertise as a basis for the decision.

(6) The presiding officer for brief adjudicative proceedings shall not issue an oral order. Within ten days of the final date for submission of materials or oral argument, if any, the presiding officer for brief adjudicative proceedings shall enter an initial order.

[Statutory Authority: RCW 18.85.040. 98-01-107, § 308-124-045, filed 12/17/97, effective 1/17/98.]

Chapter 308-124A WAC

REAL ESTATE—LICENSING AND EXAMINATION

WAC

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DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

308-124A-100	Applicant for license previously licensed in another state. [Statutory Authority: RCW 18.85.040. 81-05-016 (Order RE 128), § 308-124A-100, filed 2/10/81; Order RE 114, § 308-124A-100, filed 7/2/75.] Repealed by 88-20-037 (Order PM 775), filed 9/30/88. Statutory Authority: RCW 18.85.040.
308-124A-115	Nonresident licenses—Expiration—Renewal. [Statutory Authority: RCW 18.85.040, 18.85.140 and 18.85.190. 87-17-051 (Order PM 673), § 308-124A-115, filed 8/18/87, effective 10/1/87.] Repealed by 88-20-037 (Order PM 775), filed 9/30/88. Statutory Authority: RCW 18.85.040.
308-124A-210	Corporate or copartnership application for land development representative—Proof required. [Order RE 120, § 308-124A-210, filed 9/20/77; Order RE 114, § 308-124A-210, filed 7/2/75.] Repealed by 87-20-091 (Order PM 683), filed 10/7/87. Statutory Authority: RCW 18.85.040.
308-124A-310	Salesman second renewal requirements. [Order RE 114, § 308-124A-310, filed 7/2/75.] Repealed by 81-05-016 (Order RE 128), filed 2/10/81. Statutory Authority: RCW 18.85.040.
308-124A-400	License fees—Expiration—Renewal. [Order RE 114, § 308-124A-400, filed 7/2/75.] Repealed by Order RE 120, filed 9/20/77.

WAC 308-124A-010 Character report. Any person making application for registration as a land development representative pursuant to chapter 18.85 RCW, must as an integral part of the application, supply the director with satisfactory proof of applicant's identification and good character. Proof of good character shall be obtained and attested by the employing broker upon a form to be provided by the department.

[Statutory Authority: RCW 18.85.040. 87-20-091 (Order PM 683), § 308-124A-010, filed 10/7/87; 78-11-052 (Order RE 125), § 308-124A-010, filed 10/23/78; Order RE 120, § 308-124A-010, filed 9/20/77; Order RE 114, § 308-124A-010, filed 7/2/75.]

WAC 308-124A-020 Application for a license—Fingerprinting. Persons who have been convicted of a crime within ten years of application may be required to submit fingerprint identification, on a form provided by the department prior to issuance of a license.

[Statutory Authority: RCW 18.85.040 and chapter 18.86 RCW. 97-01-027, § 308-124A-020, filed 12/10/96, effective 1/10/97. Statutory Authority: RCW 18.85.040. 88-20-036 (Order PM 774), § 308-124A-020, filed 9/30/88, effective 1/1/89; 87-20-091 (Order PM 683), § 308-124A-020, filed 10/7/87; 81-05-016 (Order RE 128), § 308-124A-020, filed 2/10/81; Order

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RE 120, § 308-124A-020, filed 9/20/77; Order RE 114, § 308-124A-020, filed 7/2/75.]

WAC 308-124A-025 Application process to take examination not licensed in another jurisdiction. This section does not apply to applicants for a real estate salesperson or broker license who are actively licensed in another jurisdiction or were so licensed in the preceding six months.

(1) Any person desiring to take an examination for a real estate salesperson license, except applicants who have received clock hours in another jurisdiction, which have not been approved by the department or applicants who are requesting substitution of clock hours per WAC 308-124A-425, shall telephone the testing service up to three days prior to the desired test date to schedule and pay for an examination by cashier's check, certified check, money order, credit card, debit card, e-checks, or money voucher to the testing service approved by the department. On the day of the examination, the candidate shall submit a completed examination application together with any supporting documents, including evidence satisfactory to the department of having successfully completed an approved sixty clock hour fundamentals course, to the testing service approved by the department.

(2) Any person desiring to take an examination for a real estate salesperson license who received clock hours in another jurisdiction which have not been approved by the department or salesperson applicants who are requesting substitution of clock hours per WAC 308-124A-425, must submit a completed examination application with supporting documents, including evidence satisfactory to the department of having successfully completed any and all approved clock hour courses for licensure, to the real estate program of the department of licensing. After the qualifications for the examination have been verified by the department, the candidate shall telephone the testing service up to three days prior to the desired test date to schedule and pay for an examination by cashier's check, certified check, money order, credit card, debit card, e-checks, or money voucher to the testing service approved by the department. On the day of the examination, the candidate shall submit the verified examination application and examination fee to the testing service approved by the department.

(3) Any person desiring to take an examination for a real estate broker license, including applicants who have received clock hours in another jurisdiction which have not been approved by the departments or broker applicants who are requesting substitution of clock hours per WAC 308-124A-425, must submit a completed examination application with supporting documents, including evidence satisfactory to the department of having successfully completed any and all approved clock hour courses for licensure, to the real estate program of the department of licensing. After the qualifications for the examination have been verified by the department, the candidate shall telephone the testing service up to three days prior to the desired test date to schedule and pay for an examination by cashier's check, certified check, money order, credit card, debit card, e-checks, or money voucher to the testing service approved by the department. On the day of the examination, the candidate shall submit the verified examination application and any supporting documents to the testing service approved by the department.

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(4) The candidate will be able to schedule an examination date up to three days prior to their desired test date. Candidates requesting a morning or afternoon test session will be scheduled immediately for an examination and will be provided with a registration number confirming their reservation. On the day of the examination, the candidate shall submit the verified examination application and any supporting documents to the testing service approved by the department.

(5) A candidate shall be assessed the full examination fee for any examination in which the candidate fails to provide four days notice to the testing service for changing their examination date or for failing to arrive and take a scheduled examination at the time the examination is scheduled or rescheduled.

[Statutory Authority: RCW 18.85.040(1), 04-08-012, § 308-124A-025, filed 3/25/04, effective 4/25/04. Statutory Authority: RCW 18.85.040 and SB 6284, 95-03-012, § 308-124A-025, filed 1/5/95, effective 7/1/95. Statutory Authority: RCW 18.85.040, 93-24-096, § 308-124A-025, filed 11/30/93, effective 1/1/94; 91-23-006, § 308-124A-025, filed 11/7/91, effective 12/8/91; 89-08-009 (Order PM 829), § 308-124A-025, filed 3/24/89; 88-20-036 (Order PM 774), § 308-124A-025, filed 9/30/88, effective 1/1/89; 87-20-091 (Order PM 683), § 308-124A-025, filed 10/7/87; 81-05-016 (Order RE 128), § 308-124A-025, filed 2/10/81; Order RE 114, § 308-124A-025, filed 7/2/75.]

WAC 308-124A-030 Successful applicants must apply for license. Examination results are valid for one year only. Any person who has passed the examination for real estate broker or real estate salesperson licensure must become licensed within one year from the date of such examination. Failure to comply with this provision will necessitate the taking and passing of another examination prior to licensure.

[Statutory Authority: RCW 18.85.040, 87-20-091 (Order PM 683), § 308-124A-030, filed 10/7/87; 81-05-016 (Order RE 128), § 308-124A-030, filed 2/10/81; Order RE 114, § 308-124A-030, filed 7/2/75.]

WAC 308-124A-040 Unsuccessful broker applicants—Loss of waiver privilege. Whenever any applicant for a broker's license receives a waiver from the requirement of two years of actual experience as a full-time real estate salesperson based upon approval of alternative qualifications, but subsequently fails to pass the broker's examination, the applicant shall lose the privilege of the waiver and must satisfy the requirement as provided in RCW 18.85.090.

[Statutory Authority: RCW 18.85.040, 87-20-091 (Order PM 683), § 308-124A-040, filed 10/7/87; 82-17-039 (Order 130), § 308-124A-040, filed 8/13/82; Order RE 114, § 308-124A-040, filed 7/2/75.]

WAC 308-124A-110 Application for real estate examination, licensed in another jurisdiction. (1) Any person applying for a real estate broker or real estate salesperson examination who is actively licensed in the same or greater capacity in another jurisdiction and has maintained his or her license in good standing or who was actively licensed in the same or greater capacity in good standing within the preceding six months is eligible to take the Washington law portion of the examination.

(2) Any person applying to take the examination under this section shall submit an examination application approved by the department and shall submit evidence of licensure in another jurisdiction by a license verification form completed

by an administrative officer of the licensure authority in such jurisdiction.

(3) After the qualifications for the examination have been verified by the department the candidate shall telephone the testing service up to three days prior to the desired test date to schedule and pay for an examination by cashier's check, certified check, money order, credit card, debit card, e-checks, or money voucher to the testing service approved by the department. Candidates requesting a morning or afternoon test session shall be scheduled immediately for an examination and will be provided with a registration number confirming their reservation. On the day of the examination, the candidate shall submit at the test site the verified examination application and any supporting documents required by the department.

(4) The director, upon advice of the Washington state real estate commission, may consider entering into written recognition agreements with other jurisdictions which license real estate brokers and salespersons similarly to Washington state. The recognition agreement(s) shall require the other jurisdiction to grant the same licensing process to licensees of Washington state as is offered by Washington state to licensee applicants from other jurisdictions.

[Statutory Authority: RCW 18.85.040(1), 04-07-153, § 308-124A-110, filed 3/23/04, effective 4/23/04; 02-07-060, § 308-124A-110, filed 3/15/02, effective 4/15/02. Statutory Authority: RCW 18.85.040 and SB 6284, 95-03-012, § 308-124A-110, filed 1/5/95, effective 2/5/95. Statutory Authority: RCW 18.85.040, 91-23-006, § 308-124A-110, filed 11/7/91, effective 12/8/91; 88-20-037 (Order PM 775), § 308-124A-110, filed 9/30/88; 87-20-091 (Order PM 683), § 308-124A-110, filed 10/7/87; 81-05-016 (Order RE 128), § 308-124A-110, filed 2/10/81.]

WAC 308-124A-120 Application for license—

Interim license. (1) A person who desires to be licensed as a real estate salesperson or associate broker, or broker shall make application on a form approved by the director and the real estate salesperson and associate broker application shall be signed by the broker or designated broker to whom the license will be issued. The branch manager may sign for the broker or designated broker for licenses to be issued to that branch office. All signatures must be original signatures of the signators, unless signed under authority of a written power of attorney.

(2) Upon receipt of notice of passage of the examination and the license application form, applicants for a real estate salesperson license may commence working upon the postmark date to the department or date of hand delivery to the licensing division of the department of the signed, dated and completed license application form with the license fee. The completed license application form, if submitted with the license fee, shall serve as an interim license for a period up to forty-five days after the postmark date or date of hand delivery to the department, unless grounds exist to take disciplinary action against the license under RCW 18.85.230.

(3) There are no interim licenses for designated brokers for corporations, limited liability companies, limited liability partnerships or partnerships, individual real estate brokers or associate brokers. Upon notification of passage of the examination, applicants for associate broker licenses, individual broker licenses, or designated broker licenses for corporations, limited liability companies, limited liability partnerships or partnerships must submit a complete license applica-

tion with the license fee to the department of licensing and qualify for the license under chapter 18.85 RCW and the rules.

[Statutory Authority: RCW 18.85.040, 98-01-107, § 308-124A-120, filed 12/17/97, effective 1/17/98; 91-23-006, § 308-124A-120, filed 11/7/91, effective 12/8/91; 88-20-036 (Order PM 774), § 308-124A-120, filed 9/30/88, effective 1/1/89; 87-20-091 (Order PM 683), § 308-124A-120, filed 10/7/87; 81-05-016 (Order RE 128), § 308-124A-120, filed 2/10/81.]

WAC 308-124A-130 Salesperson, associate brokers—Termination of services.

A person licensed as salesperson or associate broker may perform duties and activities as licensed only under the direction and supervision of a licensed individual broker or designated broker and as a representative of such broker. This relationship may be terminated unilaterally by either the broker or salesperson or associate broker. Notice of such termination shall be given by the broker to the director without delay and such notice shall be accompanied by and include the surrender of the salesperson's or associate broker's license. The broker may not condition his or her surrender of license to the director upon performance of any act by the salesperson or associate broker. Notice of termination shall be provided by signature of the broker, or a person authorized by the broker to sign for the broker, on the surrendered license of the salesperson or associate broker or surrender of the license by the licensee to the department. The termination date shall be the postmark date or date the license is hand delivered to the department.

If the license cannot be surrendered to the department because the license has been lost, the salesperson or associate broker and the broker shall complete an affidavit of lost license on a form provided by the department. No license transfers shall be permitted unless the license is surrendered or the affidavit of lost license is completed and filed with the department. If the license cannot be surrendered because the broker is conditioning the surrender of the license, the associate broker or salesperson shall so advise the department in writing and cooperate in full with the investigation of the broker's failure to comply with this rule. Upon receipt of the salesperson or associate broker's written statement about broker conditioning the release of the license, the department shall process the license transfer.

[Statutory Authority: RCW 18.85.040, 88-06-039 (Order PM 711), § 308-124A-130, filed 3/1/88; 87-20-091 (Order PM 683), § 308-124A-130, filed 10/7/87; 81-05-016 (Order RE 128), § 308-124A-130, filed 2/10/81.]

WAC 308-124A-200 Corporate or copartnership applicants for licenses—Proof required.

The minimum qualifications for a corporation, limited liability company, limited liability partnership or partnership to receive a broker's license are:

(1) An officer in the corporation, a manager or member in the limited liability company, a partner in the limited liability partnership or a general partner in the partnership, as the case may be, shall be designated as the broker and shall separately qualify for a valid broker's license. The corporation, limited liability company, limited liability partnership or partnership and the designated broker are required to pay only a single license and license renewal fee.

(2) If the applicant is a partnership or limited liability partnership, it shall furnish a copy of its partnership or limited liability partnership agreement.

(3) Licenses issued to corporations, limited liability companies, limited liability partnerships and partnerships expire two years from the date of issuance which date will be the renewal date.

[Statutory Authority: RCW 18.85.040 and the Governor's Executive Order on Regulatory Improvement 97-02, 99-03-042, § 308-124A-200, filed 1/14/99, effective 2/14/99. Statutory Authority: RCW 18.85.040, 98-01-107, § 308-124A-200, filed 12/17/97, effective 1/17/98; 90-23-039, § 308-124A-200, filed 11/15/90, effective 12/16/90; 88-20-037 (Order PM 775), § 308-124A-200, filed 9/30/88. Statutory Authority: RCW 18.85.040, 18.85.140 and 18.85.190, 87-17-051 (Order PM 673), § 308-124A-200, filed 8/18/87, effective 10/1/87. Statutory Authority: RCW 18.85.040, 81-05-016 (Order RE 128), § 308-124A-200, filed 2/10/81; Order RE 114, § 308-124A-200, filed 7/2/75.]

WAC 308-124A-205 Corporate license renewal—Proof required. Applicants for renewal of a corporate, limited liability company or limited liability partnership license shall furnish proof of current master license renewed by authority of secretary of state.

[Statutory Authority: RCW 18.85.040, 98-01-107, § 308-124A-205, filed 12/17/97, effective 1/17/98; 87-20-091 (Order PM 683), § 308-124A-205, filed 10/7/87.]

WAC 308-124A-410 Application for broker license examination—Two years sales experience. To qualify for two years of actual experience as a full-time real estate salesperson, applicants for a real estate broker license examination shall provide evidence of either:

(1) A minimum of forty hours per week spent in licensed real estate activity for the period; or

(2) A major source of income from licensed real estate activity continuously for the period.

[Statutory Authority: RCW 18.85.040, 87-20-091 (Order PM 683), § 308-124A-410, filed 10/7/87; 81-05-016 (Order RE 128), § 308-124A-410, filed 2/10/81.]

WAC 308-124A-420 Application for broker license examination, other qualification or related experience. Applications for a real estate broker license examination by persons who do not possess two years of actual experience as a full-time real estate salesperson as required by RCW 18.85.090 which show other and similar qualifications, or qualification by reason of practical experience in a business allied with or related to real estate shall be submitted to the Real Estate Program, P.O. Box 9015, Olympia, Washington 98507-9015. The application shall be accompanied by a letter requesting approval of alternative qualifications or experience and indicating the basis for such approval. The letter must include a detailed personal history or work resume, with appropriate documentation, and a letter from each of five business associates describing from personal knowledge the qualifications and experience of the applicant. The following guidelines are provided as examples of experience which may qualify in lieu of two years of full-time sales experience:

(1) Postsecondary education with major study in real estate together with one year experience as a real estate salesperson or one year experience under the provisions of subsections (2) - (7) below.

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(2) Experience as an attorney at law with practice in real estate transactions for not less than one year.

(3) Five years' experience, with decision responsibility, in closing real estate transactions for escrow companies, mortgage companies, or similar institutions.

(4) Five years' experience as an officer of a commercial bank, savings and loan association, title company or mortgage company, involving all phases of real estate transactions.

(5) Five years' experience as a real property fee appraiser or salaried appraiser for a governmental agency.

(6) Five years' experience in all phases of land development, construction, financing, selling and leasing of residences, apartments or commercial buildings.

(7) Five years' experience in real estate investment, property management, or analysis of investments or business opportunities.

All time periods suggested in these guidelines shall be within the last seven years prior to the date of application.

[Statutory Authority: RCW 18.85.040 and SB 6284, 95-03-012, § 308-124A-420, filed 1/5/95, effective 2/5/95. Statutory Authority: RCW 18.85.040, 90-23-039, § 308-124A-420, filed 11/15/90, effective 12/16/90; 88-20-037 (Order PM 775), § 308-124A-420, filed 9/30/88; 87-20-091 (Order PM 683), § 308-124A-420, filed 10/7/87; 81-05-016 (Order RE 128), § 308-124A-420, filed 2/10/81.]

WAC 308-124A-422 Application for broker license examination—Clock hour requirements. (1) Applicants for the broker's examination shall have successfully completed one hundred twenty clock hours of approved real estate instruction in addition to any other clock hours completed and used to satisfy requirements of chapter 18.85 RCW. Instruction must include a course in real estate law, a course in real estate brokerage management, a course in business management and one elective course. All courses completed to satisfy this requirement must be approved real estate subject matter as defined in WAC 308-124H-025 and be at least thirty clock hours in length and include a comprehensive examination. Courses must be completed within five years prior to applying for the broker's examination.

(2) Courses in real estate law, real estate brokerage management, and business management, used to satisfy continuing education requirements within five years of applying for the broker's examination shall satisfy the requirements of subsection (1) of this section provided the applicant successfully completed a comprehensive examination. Applicants are required to complete one hundred twenty clock hours of approved course work in addition to real estate law, brokerage management, and business management when they are used for continuing education credit or to reactivate an inactive license.

[Statutory Authority: RCW 18.85.040 and chapter 18.86 RCW, 97-01-027, § 308-124A-422, filed 12/10/96, effective 1/10/97. Statutory Authority: RCW 18.85.040 and SB 6284, 95-03-012, § 308-124A-422, filed 1/5/95, effective 7/1/95. Statutory Authority: RCW 18.85.040, 91-23-006, § 308-124A-422, filed 11/7/91, effective 12/8/91.]

WAC 308-124A-425 Substitution of clock hours. (1) The director may allow for substitution of the clock hour requirements in RCW 18.85.090 (1)(d) and 18.85.095 (1)(b), if the individual is otherwise and similarly qualified by reason of completion of equivalent educational course work in

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any institution of higher education or degree granting institution.

(2) Individuals requesting approval of equivalent educational course work shall submit a transcript of course work completed from an institution of higher education or a degree granting institution together with an application for the license examination. The department may also require certification from an authorized representative of the institution of higher education or degree granting institution that the course work satisfies the department's prescribed course content or curriculum for a given course(s).

[Statutory Authority: RCW 18.85.040 and SB 6284, 95-03-012, § 308-124A-425, filed 1/5/95, effective 7/1/95. Statutory Authority: RCW 18.85.040, 91-23-006, § 308-124A-425, filed 11/7/91, effective 12/8/91; 88-20-037 (Order PM 775), § 308-124A-425, filed 9/30/88.]

WAC 308-124A-430 Grading of examinations. (1) To pass the real estate salesperson examination a minimum scaled score of 70 is required on each portion. The real estate salesperson examination shall consist of two portions: (a) The national portion consisting of questions that test general real estate practices and (b) the state portion consisting of questions that test on Washington laws and regulations related to real estate licensing.

(2) To pass the real estate broker examination a minimum scaled score of 75 is required on each portion. The real estate broker examination shall consist of two portions: (a) The national portion consisting of questions that test general real estate brokerage practices and (b) the state portion consisting of questions that test on Washington laws and regulations related to real estate licensing, and the closing/settlement process.

(3) A passing score for a portion of an examination shall be valid for a period not to exceed six months from the date of testing.

[Statutory Authority: RCW 18.85.040(1), 06-12-034, § 308-124A-430, filed 5/31/06, effective 7/1/06. Statutory Authority: RCW 18.85.040, [18.85]-085, [18.85].090 and [18.85].095, 91-07-029, § 308-124A-430, filed 3/14/91, effective 4/14/91. Statutory Authority: RCW 18.85.040, 88-20-036 (Order PM 774), § 308-124A-430, filed 9/30/88, effective 1/1/89; 86-11-011 (Order PM 595), § 308-124A-430, filed 5/12/86, effective 10/1/86.]

WAC 308-124A-440 Reexamination. An applicant who has failed the examination or failed to appear for a scheduled examination may apply for reexamination, provided the required reexamination fee is submitted.

An applicant who has failed the examination or failed to appear for a scheduled examination may apply for reexamination by telephoning the testing service to schedule and pay for an examination by cashier's check, certified check, money order, credit card, debit card, e-checks, or money voucher to the testing service approved by the department. Broker exam applicants who applied for a waiver and failed the examination must comply with the provisions of WAC 308-124A-040.

[Statutory Authority: RCW 18.85.040(1), 04-08-012, § 308-124A-440, filed 3/25/04, effective 4/25/04. Statutory Authority: RCW 18.85.040, 93-24-096, § 308-124A-440, filed 11/30/93, effective 1/1/94; 88-20-036 (Order PM 774), § 308-124A-440, filed 9/30/88, effective 1/1/89; 86-11-011 (Order PM 595), § 308-124A-440, filed 5/12/86, effective 10/1/86.]

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WAC 308-124A-450 Examination procedures. (1)

Each applicant will be required to present one piece of positive identification which bears a photograph of the applicant. In the event the applicant has no photo identification, the applicant will be required to make prior arrangements with the department not later than ten working days prior to the examination. Failure to produce the required identification will result in the applicant being refused admission to the examination.

(2) Applicants will be required to refrain from talking to other examinees during the examination unless specifically directed or permitted to do so by a test monitor. Any applicant observed talking or attempting to give or receive information; using unauthorized materials during any portion of the examination; or removing test materials and/or notes from the testing room will be subject to denial of a license.

(3) Applicants who participate in disruptive behavior during the examination will be required to turn in their test materials to the test monitor and leave the examination site. Their opportunity to sit for the examination will be forfeited. Their answer sheet will be voided. A voided answer sheet will not be scored and the examination fee will not be refunded. A candidate must then reapply to take the examination.

[Statutory Authority: RCW 18.85.040, 93-24-096, § 308-124A-450, filed 11/30/93, effective 1/1/94; 90-23-039, § 308-124A-450, filed 11/15/90, effective 12/16/90; 87-20-091 (Order PM 683), § 308-124A-450, filed 10/7/87; 86-11-011 (Order PM 595), § 308-124A-450, filed 5/12/86, effective 10/1/86.]

WAC 308-124A-460 Real estate brokers and salespersons and land development representative fees. These fees are applicable to all original licenses, examination services, and fee generating services issued or performed after April 30, 2002, and all renewals for existing licenses with expiration date after April 30, 2002. The following fees for a two-year period shall be charged by professional licensing services of the department of licensing:

Title of Fee	Fee
Real estate broker:	
Application/examination	\$138.25
Reexamination	138.25
Original license	200.00
License renewal	200.00
Late renewal with penalty	226.50
Duplicate license	26.50
Certification	26.50
Name or address change, transfer or license activation	0.00
Real estate broker - Branch office:	
Original license	\$189.50
License renewal	189.50
Late renewal with penalty	216.00
Duplicate license	26.50
Name or address change	0.00
Real estate salesperson:	
Application/examination	\$138.25
Reexamination	138.25
Original license	136.25
License renewal	136.25
Late renewal with penalty	162.75

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Title of Fee	Fee
Duplicate license	26.50
Certification	26.50
Name or address change, transfer or license activation	0.00
The following fee shall be charged annually for land development representatives:	
Land development representative:	
Registration	26.50

[Statutory Authority: RCW 18.85.040(1), 05-12-057, § 308-124A-460, filed 5/26/05, effective 6/26/05. Statutory Authority: RCW 18.85.040(1), 43.24-086, 02-03-057, § 308-124A-460, filed 1/10/02, effective 5/1/02. Statutory Authority: RCW 18.85.040 and the Governor's Executive Order on Regulatory Improvement 97-02, 99-03-042, § 308-124A-460, filed 1/14/99, effective 7/1/99. Statutory Authority: RCW 18.85.040, 93-24-096, § 308-124A-460, filed 11/30/93, effective 1/1/94; 90-23-039, § 308-124A-460, filed 11/15/90, effective 12/16/90. Statutory Authority: RCW 18.85.220 and 43.24.086, 90-02-048, § 308-124A-460, filed 12/29/89, effective 1/29/90. Statutory Authority: RCW 18.85.040, 89-08-009 (Order PM 829), § 308-124A-460, filed 3/24/89. Statutory Authority: RCW 18.85.040, 18.85.140 and 18.85.190, 87-17-051 (Order PM 673), § 308-124A-460, filed 8/18/87, effective 10/1/87.]

WAC 308-124A-570 Reinstatement of a cancelled license for nonpayment of renewal fee. Any person desiring to be reinstated as a real estate licensee within two years of cancellation may have their license reinstated by satisfying either of the following options:

(1) Submission of an application to the director providing proof of the following:

(a) Successful completion of sixty clock hours of approved real estate course work completed within one year preceding the application for reinstatement. A minimum of thirty clock hours must include the real estate law course specified in WAC 308-124H-011;

(b) Payment of all back renewal fees with penalty at the current rate; and

(c) Payment of a reinstatement penalty fine of one hundred dollars; or

(2) Satisfy the procedures and qualifications for initial licensing, including the following:

(a) Successful completion of any applicable licensing examinations; and

(b) Successful completion of required courses pursuant to RCW 18.85.090 and/or 18.85.095, whichever applicable, within five years preceding the application for reinstatement.

(3) Former licensees, cancelled for nonpayment of fees for periods in excess of two years will be required to satisfy the requirements of subsection (2) of this section.

[Statutory Authority: RCW 18.85.040 and chapter 18.86 RCW, 97-01-027, § 308-124A-570, filed 12/10/96, effective 1/10/97. Statutory Authority: RCW 18.85.040, 91-23-006, § 308-124A-570, filed 11/7/91, effective 12/8/91.]

WAC 308-124A-590 Salesperson first active license renewal—Post license requirements. The minimum requirements for a salesperson to be issued the first renewal of an active license are that the salesperson:

(1) Has furnished proof that the salesperson has successfully completed a thirty clock-hour course, from a prescribed curriculum approved by the director, in real estate practices commenced after issuance of a first license. The salesperson must pass a course examination approved by the director; and

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(2) Furnish proof, that the salesperson has completed an additional thirty clock hours of continuing education commenced after issuance of first license.

[Statutory Authority: RCW 18.85.040 and SB 6284, 95-03-012, § 308-124A-590, filed 1/5/95, effective 7/1/95.]

WAC 308-124A-595 License activation. (1) An inactive license may be placed on active status pursuant to RCW 18.85.215.

(2) A salesperson may use a thirty-clock hour course, from a curriculum approved by the director, in real estate practices for both activation of a license that has been inactive for three or more years and for first renewal of an active license as required in WAC 308-124A-590(1).

[Statutory Authority: RCW 18.85.040 and SB 6284, 95-03-012, § 308-124A-595, filed 1/5/95, effective 7/1/95.]

WAC 308-124A-600 Continuing education clock hour requirements. A licensee shall submit to the department evidence of satisfactory completion of clock hours, pursuant to RCW 18.85.165, in the manner and on forms prescribed by the department.

(1) A licensee applying for renewal of an active license shall submit evidence of completion of at least thirty clock hours of instruction in a course(s) approved by the director and commenced within thirty-six months of a licensee's renewal date. A minimum of fifteen clock hours must be completed within twenty-four months of the licensee's current renewal date, and a portion of that fifteen must include three hours of the prescribed core curriculum defined at WAC 308-124A-605. Up to fifteen clock hours of instruction beyond the thirty clock hours submitted for a previous renewal date may be carried forward to the following renewal date. Licensees shall begin reporting prescribed core curriculum for renewal dates on or after June 1, 2004. Failure to report successful completion of the prescribed core curriculum clock hours shall result in denial of license renewal.

(2) The thirty clock hours shall be satisfied by evidence of completion of approved real estate courses as defined in WAC 308-124H-025. A portion of the thirty clock hours of continuing education must include three clock hours of prescribed core curriculum defined at WAC 308-124A-605.

(3) Courses for continuing education clock hour credit shall be commenced after issuance of a first license.

(4) A licensee shall not place a license on inactive status to avoid the continuing education requirement. A licensee shall submit evidence of completion of continuing education clock hours to activate a license if activation occurs within one year after the license had been placed on inactive status and the last renewal of the license had been as an inactive license.

(5) Approved courses may be repeated for continuing education credit in subsequent renewal periods.

(6) Clock hour credit for continuing education shall not be accepted if:

(a) The course is not approved pursuant to chapter 308-124H WAC and chapter 18.85 RCW;

(b) Course(s) was taken to activate an inactive license pursuant to RCW 18.85.215(3);

(c) Course(s) was used to satisfy the requirements of RCW 18.85.095 (1)(b), real estate salesperson's license,

RCW 18.85.095 (2)(a), real estate salesperson's practices course, and RCW 18.85.090, broker's license and WAC 308-124A-570, reinstatement.

(7) Instructors shall not receive clock hour credit for teaching or course development.

[Statutory Authority: RCW 18.85.040(1), 43.24.086. 02-03-080, § 308-124A-600, filed 1/15/02, effective 2/15/02. Statutory Authority: RCW 18.85.040 and chapter 18.86 RCW. 97-01-027, § 308-124A-600, filed 12/10/96, effective 1/10/97. Statutory Authority: RCW 18.85.040 and SB 6284. 95-03-012, § 308-124A-600, filed 1/5/95, effective 2/5/95. Statutory Authority: RCW 18.85.040. 91-23-006, § 308-124A-600, filed 11/7/91, effective 12/8/91.]

WAC 308-124A-605 Defining prescribed core curriculum. A licensee shall submit to the department evidence of satisfactory completion of three clock hours of core curriculum continuing education approved by the director. Core curriculum continuing education is a specific course of study, recommended by the real estate commission for approval by the director that provides practical information on contemporary issues relating to the practice of real estate. The commission may recommend multiple core curricula to address residential, commercial and property management disciplines or may recommend readoption of the same core curriculum if appropriate. Core curriculum may be developed in a separate three clock-hour course or may be three clock hours contained within an approved thirty or less clock-hour course. Core curriculum must be completed within twenty-four months of the licensee's renewal date. Core curriculum commenced within thirty-six months but more than twenty-four months prior to the licensee's renewal date, may not count towards the core curriculum requirement, but may apply as regular continuing education credit for renewal.

[Statutory Authority: RCW 18.85.040(1), 43.24.086. 02-03-080, § 308-124A-605, filed 1/15/02, effective 2/15/02.]

Chapter 308-124B WAC REAL ESTATE—BROKER'S OFFICE

WAC

308-124B-030	Franchise advertising.
308-124B-100	Office identification.
308-124B-110	Display of licenses.
308-124B-120	Change of office location.
308-124B-130	Names prohibited.
308-124B-140	Multiple business usage of office.
308-124B-145	Two or more real estate businesses in same location.
308-124B-150	Office requirement for brokers actively licensed in another jurisdiction.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

308-124B-010	Prevention of the same or deceptively similar real estate firm names. [Statutory Authority: RCW 18.85.040. 82-17-039 (Order 130), § 308-124B-010, filed 8/13/82; Order RE 114, § 308-124B-010, filed 7/2/75.] Repealed by 88-06-039 (Order PM 711), filed 3/1/88. Statutory Authority: RCW 18.85.040.
308-124B-040	Branch offices operating under another name. [Statutory Authority: RCW 18.85.040. 81-05-016 (Order RE 128), § 308-124B-040, filed 2/10/81; Order RE 114, § 308-124B-040, filed 7/2/75.] Repealed by 87-20-091 (Order PM 683), filed 10/7/87. Statutory Authority: RCW 18.85.040.

WAC 308-124B-030 Franchise advertising. Each broker using the name of a franchise service or other service in

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the advertising, display signs or directory listings shall prominently display the name of the real estate firm as it appears on the Washington real estate license of such licensee.

[Order RE 114, § 308-124B-030, filed 7/2/75.]

WAC 308-124B-100 Office identification. Any main or branch office of the real estate broker shall be identified by displaying the name, visible to the public, of the broker as licensed at the address appearing on the license.

[Statutory Authority: RCW 18.85.040. 87-20-091 (Order PM 683), § 308-124B-100, filed 10/7/87; Order RE 114, § 308-124B-100, filed 7/2/75.]

WAC 308-124B-110 Display of licenses. Licenses of the real estate broker, all associate real estate brokers, branch managers, salespersons and land development representatives shall be displayed prominently in the office located at the address appearing on the individual license.

[Statutory Authority: RCW 18.85.040. 81-05-016 (Order RE 128), § 308-124B-110, filed 2/10/81; Order RE 114, § 308-124B-110, filed 7/2/75.]

WAC 308-124B-120 Change of office location. The real estate broker shall notify the department of the change of location and mailing address of the broker's office by promptly filing a completed change of address application with the department together with the return of all licenses and payment of the correct fees.

[Statutory Authority: RCW 18.85.040. 90-23-039, § 308-124B-120, filed 11/15/90, effective 12/16/90; 87-20-091 (Order PM 683), § 308-124B-120, filed 10/7/87; 81-05-016 (Order RE 128), § 308-124B-120, filed 2/10/81; Order RE 114, § 308-124B-120, filed 7/2/75.]

WAC 308-124B-130 Names prohibited. A real estate broker shall not be issued a license nor advertise in any manner using names or trade styles which are similar to currently issued licenses or imply that the real estate firm is a nonprofit organization, research organization, public bureau or public group. A bona fide franchisee may be licensed using the name of the franchisor with the firm name of the franchisee.

[Statutory Authority: RCW 18.85.040. 88-06-039 (Order PM 711), § 308-124B-130, filed 3/1/88; 87-20-091 (Order PM 683), § 308-124B-130, filed 10/7/87; Order RE 114, § 308-124B-130, filed 7/2/75.]

WAC 308-124B-140 Multiple business usage of office. A broker may conduct a real estate brokerage business at an office location where the broker concurrently conducts a separate, business activity. The brokerage business activities shall be carried out and business records shall be maintained separate and apart from any other business activities by the broker.

[Statutory Authority: RCW 18.85.040 and the Governor's Executive Order on Regulatory Improvement 97-02. 99-03-042, § 308-124B-140, filed 1/14/99, effective 2/14/99. Statutory Authority: RCW 18.85.040. 82-17-039 (Order 130), § 308-124B-140, filed 8/13/82.]

WAC 308-124B-145 Two or more real estate businesses in same location. Two or more licensed real estate brokerage businesses may be conducted at an office location with a common entrance and mailing address, if each business is clearly identified by a sign visible to the public, each business is physically separated within the office facility, and

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no deception of the public as to the separate identities of the brokerage business firms results.

[Statutory Authority: RCW 18.85.040 and the Governor's Executive Order on Regulatory Improvement 97-02. 99-03-042, § 308-124B-145, filed 1/14/99, effective 2/14/99.]

WAC 308-124B-150 Office requirement for brokers actively licensed in another jurisdiction. The term "office" in RCW 18.85.180 for a broker actively licensed in another jurisdiction in which the broker's headquarter office is located shall mean the Washington location where trust account and transaction records are maintained. Such records are required to be maintained for three years. The trust account and transaction records shall be open and accessible to representatives of the department of licensing. The parties to the transaction shall have access to the transaction records prepared or retained for the requesting party.

A broker actively licensed in another jurisdiction seeking licensure in Washington, whose headquarter office is located in that other jurisdiction, shall notify the department of the location address where the records are maintained in the state of Washington and shall include this address with the headquarter's address on the license application.

The Washington license shall be posted at the location where the records are being maintained.

Within thirty days after mailing of the notice of audit, the broker shall come to the department's office, after making an appointment, in the geographic location (Seattle or Olympia) nearest to the location of the records to sign the audit report.

If a real estate licensee actively licensed in another jurisdiction, whose headquarter office is located in that other jurisdiction, has obtained a Washington real estate license through a license recognition agreement, that licensee may maintain required Washington real estate transaction records in their out-of-state jurisdiction and with the out-of-state broker to whom they are licensed, providing it is allowed for in the license recognition agreement.

[Statutory Authority: RCW 18.85.040(1). 03-14-019, § 308-124B-150, filed 6/20/03, effective 7/21/03; 02-03-054, § 308-124B-150, filed 1/10/02, effective 2/10/02. Statutory Authority: RCW 18.85.040 and the Governor's Executive Order on Regulatory Improvement 97-02. 99-03-042, § 308-124B-150, filed 1/14/99, effective 2/14/99. Statutory Authority: RCW 18.85.040. 88-06-039 (Order PM 711), § 308-124B-150, filed 3/1/88.]

Chapter 308-124C WAC

REAL ESTATE—RECORDS AND RESPONSIBILITIES

WAC

308-124C-010	Licensee's responsibilities.
308-124C-020	Required records.
308-124C-030	Accuracy and accessibility of records.
308-124C-040	Suit or complaint notification.

WAC 308-124C-010 Licensee's responsibilities. (1) The real estate broker shall be responsible for the custody, safety and correctness of entries of all required real estate records. The broker retains this responsibility even though another person or persons may be assigned by the broker the duties of preparation, custody or recording.

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(2) It is the responsibility of each and every licensee to obtain a copy of and be knowledgeable of and keep current with the rules implementing chapter 18.85 RCW.

(3) It is the responsibility of each and every licensee to keep the director informed of his or her current mailing address.

(4) It is the broker's responsibility to ensure accessibility of their offices and records to auditors of the department. The broker shall provide copies of required records upon demand by the director or the director's authorized representative.

[Statutory Authority: RCW 18.85.040 and the Governor's Executive Order on Regulatory Improvement 97-02. 99-03-042, § 308-124C-010, filed 1/14/99, effective 2/14/99. Statutory Authority: RCW 18.85.040. 90-23-039, § 308-124C-010, filed 11/15/90, effective 12/16/90; 87-20-091 (Order PM 683), § 308-124C-010, filed 10/7/87; 81-05-016 (Order RE 128), § 308-124C-010, filed 2/10/81; Order RE 114, § 308-124C-010, filed 7/2/75.]

WAC 308-124C-020 Required records. The minimum real estate records the real estate broker shall be required to keep are as follows:

(1) Bank trust account records:

(a) Duplicate receipt book or cash receipts journal recording all receipts;

(b) Prenumbered checks with check register, cash disbursements journal or check stubs;

(c) Validated duplicate bank deposit slips;

(d) Client's accounting ledger summarizing all moneys received and all moneys disbursed for each real estate or business opportunity transaction or each property management account, contract or mortgage collection account;

(e) In conjunction with (d) of this subsection, separate ledger sheets for each tenant (including security deposit), lessee, vendee or mortgagor; for automated systems, the ledger sheets may be a computer generated printout which contains required entrees;

(f) Reconciled bank statements and cancelled checks for all trust bank accounts.

(2) Other records:

(a) A transaction folder containing all agreements, contracts, documents, leases, closing statements and correspondence for each real estate or business opportunity transaction, and for each rental, lease, contract or mortgage collection account;

(b) The original lease document may be maintained "on-site" for those brokers who utilize the services of a resident manager: Provided, That a source document is maintained at the brokers office which contains the name and address of the tenant; address of the leased premises, if different from the tenant's address; duration of the lease; rental amount; the amount(s) of any and all deposits made by the tenant and the purpose of said deposits; the location where said deposits are being held; and any modification of the terms of the original lease document;

(c) The original lease document may be maintained at a branch office: Provided, That a source document is maintained at the main office which contains the information filled in the blank spaces by the tenant and property manager;

(d) All required records shall be maintained at one location where the broker is licensed. This location may be the main or any branch office. (c) and (d) of this subsection address property management records being maintained "on-

site." For sales transactions, a copy of the earnest money agreement, a copy of the final settlement statement, and any addenda related to the accounting or disposition of client funds shall be at the same location where the trust bank account records are maintained.

[Statutory Authority: RCW 18.85.040. 90-23-039, § 308-124C-020, filed 11/15/90, effective 12/16/90; 86-06-011 (Order 138R), § 308-124C-020, filed 2/21/86; 85-21-035 (Order 136R), § 308-124C-020, filed 10/11/85; 82-17-039 (Order 130), § 308-124C-020, filed 8/13/82; Order RE 114, § 308-124C-020, filed 7/2/75.]

WAC 308-124C-030 Accuracy and accessibility of records. (1) Accuracy. All required real estate records shall be accurate, posted and kept up to date.

(2) Location. All required real estate records shall be kept at an address where the real estate broker is licensed to maintain a real estate office, except physical records of transactions may be stored at one remote facility within the state of Washington. Only transactions that have been closed for at least one year can be maintained at the remote facility. Transactions stored at a different location must be available upon demand of the department and maintained in a manner to be readily retrievable. A listing of all transactions must be maintained at the broker's licensed office for all the transactions stored at the remote facility. All records shall be retained and available for inspection by the director or the director's authorized representative for a minimum of three years.

(3) Alternative storage. Records may be stored on permanent storage media, such as optical disk or microfilm, provided the retrieval process does not permit modification of the documents. Retrieval must be possible at the broker's licensed location and allow for viewing and printing the document in its original form. The permanent media storage shall be nonerasable and prevent changes to the stored documents or records. The broker must maintain equipment at their licensed location in good repair to allow viewing and printing upon demand by the department. The storage media must be indexed to allow for immediate retrieval of all documents.

(4) Responsibility for records. In the case of a corporate, limited liability company, limited liability partnership or partnership brokerage firm, the responsibility imposed by this section shall apply to both the corporation, limited liability company, limited liability partnership or partnership and the natural person designated and licensed to act as broker for the corporation, limited liability company, limited liability partnership or partnership. Prior to issuing a new license indicating a change of designated broker for a corporate, limited liability company, limited liability partnership or partnership licensee, the licensee must submit evidence that the requirements have been satisfied.

(5) Change of broker. A statement signed by both the outgoing designated broker and the incoming designated broker, listing all outstanding client trust liabilities, copies of trust account bank statements and the latest trust account reconciliations and certifying that funds in hand in the trust account maintained by the licensee are adequate to meet these client trust liabilities will satisfy this requirement. The incoming designated broker shall not be deemed responsible for any discrepancy identified in the statement, unless the incoming designated broker contracted to accept such responsibility.

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[Statutory Authority: RCW 18.85.040(1). 04-07-151, § 308-124C-030, filed 3/23/04, effective 4/23/04. Statutory Authority: RCW 18.85.040. 98-01-107, § 308-124C-030, filed 12/17/97, effective 1/17/98; 87-20-091 (Order PM 683), § 308-124C-030, filed 10/7/87; 82-17-039 (Order 130), § 308-124C-030, filed 8/13/82; Order RE 120, § 308-124C-030, filed 9/20/77; Order RE 114, § 308-124C-030, filed 7/2/75.]

WAC 308-124C-040 Suit or complaint notification.

Every licensee shall, within twenty days after service or knowledge thereof, notify the real estate program manager of the following:

(1) Any criminal complaint, information, indictment, or conviction (including a plea of guilty or nolo contendere) in which the licensee is named as a defendant.

(2) Entry of a civil court order, verdict, or judgment, against the licensee in any court of competent jurisdiction in which the subject matter therein involves any real estate or business-related activity by the licensee. Notification is required regardless of any pending appeal.

[Statutory Authority: RCW 18.85.040. 90-01-043, § 308-124C-040, filed 12/14/89, effective 1/14/90; 87-20-091 (Order PM 683), § 308-124C-040, filed 10/7/87; Order RE 114, § 308-124C-040, filed 7/2/75.]

Chapter 308-124D WAC

REAL ESTATE—OPERATIONAL PROCEDURES

WAC

308-124D-010	Checks—Payee requirements.
308-124D-020	Negotiating agreements and closing.
308-124D-030	Expeditious performance.
308-124D-050	Property management agreements and disclosures.
308-124D-061	Broker supervision of affiliated licensees.
308-124D-070	Discriminatory acts—Prohibition.
308-124D-080	Payment of earned commissions.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

308-124D-040	Disclosure of agency representation. [Statutory Authority: RCW 18.85.040. 92-21-035, § 308-124D-040, filed 10/15/92, effective 11/15/92; 88-24-058 (Order PM 810), § 308-124D-040, filed 12/7/88; 88-20-037 (Order PM 775), § 308-124D-040, filed 9/30/88; 87-05-065 (Order PM 639), § 308-124D-040, filed 2/18/87, effective 4/1/87; 86-19-062 (Order PM 617), § 308-124D-040, filed 9/16/86, effective 4/1/87.] Repealed by 97-01-027, filed 12/10/96, effective 1/10/97. Statutory Authority: RCW 18.85.040 and chapter 18.86 RCW.
308-124D-060	Broker supervision of affiliated licensees. [Statutory Authority: RCW 18.85.040. 88-24-059 (Order PM 811), § 308-124D-060, filed 12/7/88.] Repealed by 89-11-032 (Order PM 844), filed 5/12/89. Statutory Authority: RCW 18.85.040.
308-124D-065	Broker and affiliated licensees—Written relationship agreement. [Statutory Authority: RCW 18.85.040. 88-24-059 (Order PM 811), § 308-124D-065, filed 12/7/88.] Repealed by 89-11-032 (Order PM 844), filed 5/12/89. Statutory Authority: RCW 18.85.040.
308-124D-100	Payment of earned commissions. [Statutory Authority: RCW 18.85.040. 82-17-039 (Order 130), § 308-124D-100, filed 8/13/82; Order RE 114, § 308-124D-100, filed 7/2/75.] Repealed by 85-21-036 (Order 137R), filed 10/11/85. Statutory Authority: RCW 18.85.040.

WAC 308-124D-010 Checks—Payee requirements.

All checks received as earnest money, security or damage deposits, rent, lease payments, contract or mortgage payments on real property or business opportunities owned by clients shall be made payable to the real estate broker as licensed, unless it is mutually agreed in writing by the principals that the deposit shall be paid to the lessor, the seller or an

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escrow agent named in the agreement. The broker shall retain a copy of the written agreement.

[Statutory Authority: RCW 18.85.040, 82-17-039 (Order 130), § 308-124D-010, filed 8/13/82; Order RE 114, § 308-124D-010, filed 7/2/75.]

WAC 308-124D-020 Negotiating agreements and closing. The real estate licensee shall be responsible for negotiating the agreement between seller and purchaser as follows:

(1) All written offers shall be presented to the seller for acceptance or refusal. A copy of the agreement shall be delivered to the purchaser immediately following the purchaser's signing.

(2) A copy of the offer to purchase shall be delivered to the seller immediately following seller's signing and acceptance of purchaser's offer.

(3) A copy of the agreement to purchase bearing the signature of the seller(s) shall be delivered to the purchaser as proof that the purchaser's offer was accepted.

(4) A legible copy of the agreement to purchase shall be retained in each participating real estate broker's files.

(5) Sales transactions may be closed in the office of the real estate broker if so provided in the agreement, provided that no escrow, service, closing or any other fee except sales commission is charged to the purchaser or seller by the broker. An escrow agent's certificate of registration is required to close real estate transactions for compensation.

(6) The real estate broker shall furnish or cause to be furnished to each buyer and to each seller in every real estate or business opportunity transaction wherein the licensee acts as broker, at the time the transaction is closed, a complete detailed closing statement as it applies to the buyer and a complete detailed closing statement as it applies to the seller. The broker shall retain a copy of all closing statements of the respective buyers or sellers wherein the licensee acts as broker for all transactions even though funds are not handled by the broker and closing is done elsewhere for inspection by any authorized representative of the director.

(7) The closing statements of all real estate or business opportunity transactions in which a real estate broker participates shall show the date of closing, the total purchase price of the property, an itemization of all adjustments, money, or things of value received or paid showing to whom each item is credited and/or to whom each item is debited. The dates of the adjustments shall be shown, together with the names of the payees, makers and assignees of all notes paid or made or assumed.

(8) The net proceeds of sale on all real estate transactions closed by the real estate broker are to be paid direct to the seller unless otherwise provided by written agreement.

(9) Where an agreement for the sale of real estate has been negotiated involving the services of more than one broker, and funds are to be deposited by the purchaser prior to the closing of the transaction, the broker first receiving such funds shall retain custody thereof and be accountable therefor, until such fund are distributed in accordance with written instructions signed by all parties to the transaction.

[Order RE 120, § 308-124D-020, filed 9/20/77; Order RE 114, § 308-124D-020, filed 7/2/75.]

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WAC 308-124D-030 Expeditious performance. A real estate licensee shall perform all acts required of the licensee by a real estate agreement as expeditiously as possible. Intentional or negligent delays in such performance shall be considered detrimental to the public interest in violation of RCW 18.85.230(23).

[Statutory Authority: RCW 18.85.040(1), 04-07-152, § 308-124D-030, filed 3/23/04, effective 4/23/04; Order RE 114, § 308-124D-030, filed 7/2/75.]

WAC 308-124D-050 Property management agreements and disclosures. (1) All properties managed by the broker must be supported by a written management agreement signed by the owner and broker and retained. The management agreement must state as a minimum: (a) The broker's compensation (b) the type (i.e., apartments, industrial) and number of individual units in the project or square footage (if other than residential) (c) whether or not the broker is authorized to collect funds and disburse funds and for what purposes (d) authorization, if any, to hold security deposits and the manner in which security deposits may be disbursed and (e) the frequency of furnishing summary statements to the owner.

(2) All properties rented or leased by the firm must be supported by a written rental or lease agreement.

(3) Each owner of property managed by the broker must be provided a summary statement as provided in the property management agreement for each property managed showing: (The broker is to retain a true copy of this statement).

(a) Balance carried forward from previous summary statement.

(b) Total rent receipts.

(c) Owner contributions.

(d) Other itemized receipts.

(e) Itemization of all expenses paid.

(f) Ending balance.

(g) Number of units rented or square footage if other than residential.

(4) The broker may provide other services to owners of properties managed provided full disclosure to the owner is provided in writing of the broker's relationship with any and all persons providing such services, prior disclosure of fees charged, and permission is granted by the owner.

(5) Any amendment or modification to the property management agreement must be made in written form and signed by the owner and the broker and retained.

[Statutory Authority: RCW 18.85.040, 90-23-039, § 308-124D-050, filed 11/15/90, effective 12/16/90; 87-20-091 (Order PM 683), § 308-124D-050, filed 10/7/87.]

WAC 308-124D-061 Broker supervision of affiliated licensees. (1) A broker shall not permit the use of his or her license, whether for compensation or not, to enable anyone either licensed or unlicensed to in fact establish and carry on a brokerage business wherein the broker does not have full management responsibility for all real estate brokerage activities of the business or he/she does not exercise adequate supervision over the activities of his or her licensed salespersons, associate brokers or branch managers as required by chapter 18.85 RCW.

(2) Individual and designated brokers shall be responsible for supervising the conduct of all associate brokers and

salespersons licensed to them, whether in an individual capacity or through a corporate, limited liability company, limited liability partnership or partnership entity. A broker shall not be held responsible for inadequate supervision if:

(a) An associate broker or salesperson violates a provision of chapter 18.85 RCW, or the rules promulgated thereunder, in contravention of the supervising broker's specific written policies or instructions;

(b) Reasonable procedures had been established to verify that adequate supervision was being performed;

(c) Upon learning of the violation, the broker attempted to prevent or mitigate the damage;

(d) The broker did not participate in the violation;

(e) The broker did not ratify the violation; and

(f) The broker did not attempt to avoid learning of the violation.

(3) A broker may not avoid his or her management or supervisory responsibilities by any contract, agreement or understanding between the broker and any other person. The existence of an independent contractor relationship or any other special compensation arrangement between the broker and affiliated licensees shall not release the broker and licensee of any duties, obligations, or responsibilities.

[Statutory Authority: RCW 18.85.040 and the Governor's Executive Order on Regulatory Improvement 97-02. 99-03-042, § 308-124D-061, filed 1/14/99, effective 2/14/99. Statutory Authority: RCW 18.85.040. 98-01-107, § 308-124D-061, filed 12/17/97, effective 1/17/98; 90-01-044, § 308-124D-061, filed 12/14/89, effective 1/14/90.]

WAC 308-124D-070 Discriminatory acts—Prohibition. (1) Real estate licensees shall not:

(a) Refuse to communicate to the owner of a listed property any written offer, concerning the same, made by any person or persons because of race, color, creed, sex, marital status, familial status, age, national origin, or the presence of any sensory, mental, or physical handicap.

(b) Refuse to negotiate for the sale or rental of, or otherwise make available or deny, real property to any person because of race, color, creed, sex, marital status, familial status, age, national origin, or the presence of any sensory, mental, or physical handicap.

(c) Discriminate against any person in the terms, conditions, privileges of sale or rental of real property, or in the provision of services or facilities in connection therewith, because of race, color, creed, sex, marital status, familial status, age, national origin, or the presence of any sensory, mental, or physical handicap.

(d) Make, print, or publish or cause to be made, printed, or published any notice, statement, or advertisement with respect to the sale or rental of real property that indicates any preference, limitation or discrimination based on race, color, creed, sex, marital status, familial status, age, national origin, or the presence of any sensory, mental, or physical handicap, or an intention to make any such preference, limitation or discrimination.

(e) Represent to any person because of race, color, creed, sex, marital status, familial status, age, national origin, or the presence of any sensory, mental, or physical handicap that any real property is not available for inspection, sale or rental when such real property is in fact available.

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(f) Induce or attempt to induce any person to sell or rent any real property by representations regarding the entry or prospective entry into the neighborhood of a person or persons of a particular race, color, creed, sex, marital status, familial status, age, national origin, or the presence of any sensory, mental, or physical handicap.

(2) Nothing in this regulation shall be construed to define or restrict the power of any other federal, state or local government agency to pursue such measures as such agency may deem appropriate to ensure that the opportunity to purchase, rent or lease real property is made available to all persons without regard to race, color, creed, sex, marital status, familial status, age, national origin, or the presence of any sensory, mental, or physical handicap.

[Statutory Authority: RCW 18.85.040 and the Governor's Executive Order on Regulatory Improvement 97-02. 99-03-042, § 308-124D-070, filed 1/14/99, effective 2/14/99.]

WAC 308-124D-080 Payment of earned commissions. A broker is permitted to disburse by check earned commissions from the real estate broker's business bank account to any legal, authorized business entity wholly owned by his or her affiliated licensees.

[Statutory Authority: RCW 18.85.040 and the Governor's Executive Order on Regulatory Improvement 97-02. 99-03-042, § 308-124D-080, filed 1/14/99, effective 2/14/99.]

Chapter 308-124E WAC

REAL ESTATE—TRUST ACCOUNT PROCEDURES

WAC

308-124E-012	Administration of funds held in trust—General procedures.
308-124E-013	Administration of funds held in trust—Real estate and business opportunity transactions.
308-124E-014	Administration of funds held in trust—Property management.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

308-124E-010	Administration of trust accounts. [Statutory Authority: RCW 18.85.040. 81-05-015 (Order RE 129), § 308-124E-010, filed 2/10/81; Order RE 114, § 308-124E-010, filed 7/2/75.] Repealed by 82-17-039 (Order 130), filed 8/13/82. Statutory Authority: RCW 18.85-040.
308-124E-011	Administration of funds held in trust. [Statutory Authority: RCW 18.85.040. 87-20-091 (Order PM 683), § 308-124E-011, filed 10/7/87; 85-21-035 (Order 136R), § 308-124E-011, filed 10/11/85; 82-17-039 (Order 130), § 308-124E-011, filed 8/13/82.] Repealed by 88-06-040 (Order PM 712), filed 3/1/88. Statutory Authority: RCW 18.85.310.

WAC 308-124E-012 Administration of funds held in trust—General procedures. Any real estate broker who receives funds or moneys from any principal or any party to a real estate or business opportunity transaction, property management agreement, or contract/mortgage collection agreement shall hold the funds or moneys in trust for the purposes of the transaction or agreement, and shall not utilize such funds or moneys for the benefit of the broker or any person not entitled to such benefit. Except as specifically provided in this section, funds or moneys received in trust shall be deposited in a federally chartered or approved banking institution or a Washington state banking institution approved by the

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banking division, department of general administration, state of Washington, or successor. The broker is responsible for depositing, holding, disbursing and accounting for funds in trust as provided herein.

(1) Bank accounts shall be designated as trust accounts in the firm or DBA name of the real estate broker as licensed.

(2) Interest credited to a clients account must be recorded as a liability on client ledger. Interest assigned or credited by written assignment agreement to the broker may not be maintained in the trust account. The broker is responsible to make arrangements with the financial institution to credit this interest to the general account of the firm.

(3) The broker shall establish and maintain a system of records and procedures approved by the director that provide an audit trail accounting for all funds received and disbursed, identified to the account of each individual client. Records and procedures described herein meet approval requirements. Any alternative records or procedures proposed for use by a broker shall be approved in advance by the department.

(4) The real estate broker shall be responsible for deposits, disbursements or transfers of clients' funds received and held in trust, whether disbursed by personal signature, signature plate or signature of another person authorized to act on the broker's behalf.

(5) All funds or moneys received for any reason pertaining to the sale, renting, leasing or option of real estate or business opportunities or contract or mortgage collections shall be deposited in the broker's real estate trust bank account not later than the first banking day following receipt thereof; except:

(a) Checks received as earnest money deposits when the earnest money agreement states that a check is to be held for a specified length of time or until the occurrence of a specific event; and

(b) Checks, funds or moneys received as rent, contract payments or mortgage payments on real estate or business opportunities, owned exclusively by the real estate broker or the broker's real estate firm.

(c) For purposes of this section, Saturday shall not be considered a banking day.

(6) All checks, funds or moneys received shall be identified by the day received and by the amount, source and purpose on either a cash receipts journal or duplicate receipt retained as a permanent record.

(7) All deposits to the trust bank account shall be documented by duplicate deposit slip, validated by bank imprint, teller's stamp, or electronic transfer memo identifying the source of funds and transaction to which it applies. Receipt of funds by wire transfer are to be posted in the same manner as other receipts provided there is a traceable identifying number provided by the financial institution or transferring entity. The broker must also make arrangements for a follow-up "hard-copy" receipt for the deposit.

(8) An individual client's ledger sheet shall be established and maintained for each client for whom funds are received in trust, to which ledger sheet all receipts and disbursements shall be posted. The credit entries must show the date of deposit, amount of deposit, and item covered including, but not limited to "earnest money deposit," "down payment," "rent," "damage deposit," "rent deposit" "interest." The debit entries must show the date of the check, check

number, amount of the check, name of payee and item covered. The "item covered" entry may indicate a code number per chart of accounts, or may be documented by entry in a cash receipts journal, cash disbursements journal, or check voucher.

(9) The real estate trust bank account balance must be equal at all times to the outstanding trust liability to clients. The balance shown in the check register or bank control account must equal the total liability to clients.

(10) The broker shall be responsible for preparation of a monthly trial balance of the client's ledger, reconciling the ledger with both the trust account bank statement and the trust account check register or bank control account.

(11) All disbursements of trust funds shall be made by check, or electronic transfer, drawn on the real estate trust bank account and identified thereon to a specific real estate or business opportunity transaction, or collection/management agreement. The number of each check, amount, date, payee, items covered and the specific client's ledger sheet debited must be shown on the check stub or check register and all data must agree exactly with the check as written.

(a) No disbursement from the trust account shall be made based upon wire transfer receipts until the deposit has been verified.

(b) The broker must make arrangements with the financial institution in which the trust account is located to provide a follow-up "hard-copy" debit memo when funds are disbursed via wire transfer.

(c) The broker shall retain in the transaction file a copy of instructions signed by the owner of funds to be wire-transferred which identifies the receiving entity and account number.

(12) Voided checks written on the trust bank account shall be permanently defaced and shall be retained.

(13) Commissions owed to another real estate broker may be paid from the real estate trust bank account. Those commissions shall be paid promptly upon receipt of funds. Commissions shared with another broker are a reduction of the gross commissions received.

(14) No deposits to the real estate trust bank account shall be made of funds:

(a) That belong to the real estate broker or the real estate firm, including funds to "open" the bank account or to keep the account from being "closed"; or

(b) That do not pertain to a client's real estate or business opportunity sales transaction or are not received in connection with a client's rental, contract or mortgage collection account.

(15) No disbursements from the real estate trust bank account shall be made:

(a) For items not pertaining to a specific real estate or business opportunity transaction or a rental, contract or mortgage collection account;

(b) Pertaining to a specific real estate or business opportunity transaction or a rental, contract or mortgage collection account in excess of the actual amount held in the real estate trust bank account in connection with that transaction or collection account;

(c) In payment of a commission owed to any person licensed to the real estate broker or in payment of any business expense of the broker. Payment of commissions to per-

sons licensed to the broker or of any business expense of the broker shall be paid from the regular business bank account of the broker.

(d) For bank charges of any nature, including bank services, checks or other items, except as specified in WAC 308-124E-013 (1)(a) and (d). Bank charges are business overhead expenses of the broker. Arrangements must be made with the bank to have any such charges applicable to the real estate trust bank account charged to the regular business bank account, or to provide a separate monthly statement of bank charges so that they may be paid from the brokers business bank account.

(16) The provisions of this chapter are applicable to manual or computerized accounting systems. For clarity, the following is addressed for computer systems:

(a) The system must provide for a capability to back-up all data files.

(b) Receipt and check registers will be printed at least once monthly and retained as a permanent record. Reconciliation and trial balance will be accomplished at least once monthly, printed and retained as a permanent record.

(c) The broker will maintain a printed, dated source document file to support any changes to existing accounting records.

(d) If the program has the ability to write checks, the check number must be preprinted on the check or retained voucher copy by the supplier. The program may, if desired assign suffixes or subaccount codes before or after the check number for identification purposes.

(e) The check number must appear in the magnetic coding which also identifies the account number for readability by the financial institution computer.

[Statutory Authority: RCW 18.85.040. 91-23-006, § 308-124E-012, filed 11/7/91, effective 12/8/91; 91-12-012, § 308-124E-012, filed 5/30/91, effective 6/30/91; 90-01-045, § 308-124E-012, filed 12/14/89, effective 1/14/90; 88-24-059 (Order PM 811), § 308-124E-012, filed 12/7/88. Statutory Authority: RCW 18.85.310. 88-06-040 (Order PM 712), § 308-124E-012, filed 3/1/88.]

WAC 308-124E-013 Administration of funds held in trust—Real estate and business opportunity transactions.

The procedures in this section are applicable to funds received by the broker in connection with real estate sales or business opportunity transactions or options thereon. These procedures are in addition to the requirements of the general trust account procedures contained in WAC 308-124E-012.

(1) Bank accounts shall be designated as trust accounts in the firm or DBA name of the real estate broker as licensed. Trust bank accounts for real estate sales or business opportunity transactions shall be interest bearing demand deposit accounts. These accounts shall be established as described in RCW 18.85.310 and this section.

(a) The broker shall maintain a pooled interest bearing trust account identified as housing trust fund account for deposit of trust funds which are ten thousand dollars or less.

Interest income from this account will be paid to the department by the depository institution in accordance with RCW 18.85.310(7) after deduction of reasonable bank service charges and fees, which shall not include check printing fees or fees for bookkeeping systems. The department shall remit the funds to the state treasurer.

(b) The agent shall disclose in writing to the party depositing more than ten thousand dollars that the party has an option between (i) and (ii) below;

(i) All trust funds not required to be deposited in the account specified in (a) of this subsection shall be deposited in a separate interest-bearing trust account for the particular party or party's matter on which the interest will be paid to the party(ies); or

(ii) In the pooled interest-bearing account specified in (a) of this subsection if the parties to the transaction agree in writing.

(c)(i) For accounts established as specified in (a) of this subsection, the broker will maintain an additional ledger card with the heading identified as "Housing trust account interest." As the monthly bank statements are received, indicating interest credited, the broker will post the amount to the pooled interest ledger card. When the bank statement indicates that the interest was paid to the state or bank fees were charged, the broker will debit the ledger card accordingly.

(ii) For accounts established as specified in (b)(i) of this subsection, the interest earned or bank fees charged will be posted to the individual ledger card.

(d) When the bank charges/fees exceed the interest earned, causing the balance to be less than trust account liability, the broker shall within one banking day after receipt of such notice, deposit funds from the brokers business account or other nontrust account to bring the trust account into balance with outstanding liability. The broker may be reimbursed by the party depositing the funds for these charges for accounts established as specified in (b)(i) of this subsection, if the reimbursement is authorized in writing by the party depositing the funds. For accounts established under (a) of this subsection, the broker will absorb the excess bank charges/fees as a business expense.

(2) A separate check shall be drawn on the real estate trust bank account, payable to the broker as licensed, for each commission earned, after the final closing of the real estate or business opportunity transaction. Each commission check shall be identified to the transaction to which it applies.

(3) No disbursements from the real estate trust bank account shall be made in advance of closing of a real estate or business opportunity transaction or before the happening of a condition set forth in the earnest money agreement, to any person or for any reason, without a written release from both the purchaser and seller; except that

(i) If the agreement terminates according to its own terms prior to closing, disbursement of funds shall be made as provided by the agreement without a written release; and

(ii) Funds may be disbursed to the escrow agent designated in writing by the purchaser and seller to close the transaction, reasonably prior to the date of closing in order to permit checks to clear.

(4) When a transaction provides for the earnest money deposit/note or other instrument to be held by a party other than the broker, a broker shall deliver the deposit to the party designated to hold the funds. The delivery shall be made within one banking day after all parties to the transaction have signed the agreement, unless parties to the transaction instruct otherwise in writing. A dated receipt will be obtained and placed in the transaction file.

[Statutory Authority: RCW 18.85.040(1). 03-21-019, § 308-124E-013, filed 10/6/03, effective 11/6/03. Statutory Authority: RCW 18.85.040 and The Governor's Order on Regulatory Improvement 97-02. 00-08-035, § 308-124E-013, filed 3/29/00, effective 7/1/00. Statutory Authority: RCW 18.85.040. 91-23-006, § 308-124E-013, filed 11/7/91, effective 12/8/91; 90-23-039, § 308-124E-013, filed 11/15/90, effective 12/16/90; 88-20-037 (Order PM 775), § 308-124E-013, filed 9/30/88. Statutory Authority: RCW 18.85.310. 88-16-102 (Order 755), § 308-124E-013, filed 8/3/88; 88-06-040 (Order PM 712), § 308-124E-013, filed 3/1/88.]

WAC 308-124E-014 Administration of funds held in trust—Property management. Any real estate broker who receives funds or moneys from any principal or any party to property management agreement or contract/mortgage collection agreement shall hold the funds or moneys in trust for the purposes of the agreement, and shall not utilize such funds or moneys for the benefit of the broker or any person not entitled to such benefit. These procedures are applicable to property management and contract/mortgage collection agreements, and are in addition to the general trust account procedures in WAC 308-124E-012.

(1) Bank accounts shall be designated as trust accounts in the firm or DBA name of the real estate broker as licensed. Trust bank accounts for property management transactions are exempt from the interest-bearing requirement of RCW 18.85.310. However, interest-bearing accounts for property management transactions may be established as described in this section.

(a) Interest-bearing trust bank accounts or dividend-earning investment accounts containing only funds held on behalf of an individual owner of income property managed by the broker may be established when directed by written property management agreement or directive signed by the owner: Provided, That all interest or earnings shall accrue to the owner;

(b) Interest-bearing trust bank accounts containing only damage or security deposits received from tenants of residential income properties managed by the broker for an individual owner may be established by the broker when directed by written management agreement, and the interest on such trust bank accounts may be paid to the owner, if the broker is by written agreement designated a "representative of the landlord" under the provisions of RCW 59.18.270, Residential Landlord-Tenant Act;

(c) The broker is not required to establish individual interest-bearing accounts for each owner when all owners assign the interest to the broker;

(d) A common account, usually referred to as a "clearing account" may be established if desired. No funds which belong to the broker or firm or are related to transactions on property owned by the broker or firm shall be maintained in this account.

(2) Any property management accounting system is to be an accounting of cash received and disbursed by the managing broker only. Any other method of accounting offered to owners for their rental properties, unit and/or complexes are to be supplementary to the brokers accounting of all cash received and disbursed through his/her trust account(s). All owners' summary statements must include this accounting.

(3) The preauthorization of disbursements or deductions by the financial institution for recurring expenses such as mortgage payments on behalf of the owner is not permitted if

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the account contains tenant security deposits or funds belonging to more than one client.

(4) A single check may be drawn on the real estate trust bank account, payable to the broker as licensed, in payment of all property management fees and commissions, if such check is supported by a schedule of commissions identified to each individual client. Property management commissions shall be withdrawn at least once monthly.

(5) No disbursements from the real estate trust bank account shall be made of funds received as damage or security deposit on a lease or rental contract for property managed by the broker to the owner or any other person without the written agreement of the tenant, until the end of the tenancy when the funds are to be disbursed to the person or persons entitled to the funds as provided by the terms of the rental or lease agreement.

(6) When the management agreement between the owner(s) and the broker is terminated, the owner(s) funds shall be disbursed according to the agreement. Funds held as damage or security deposits shall be disbursed to the owner(s) or successor property manager, and the tenants so notified by the disbursing broker consistent with the provisions of RCW 59.18.270, Residential Landlord-Tenant Act.

[Statutory Authority: RCW 18.85.040. 91-23-006, § 308-124E-014, filed 11/7/91, effective 12/8/91. Statutory Authority: RCW 18.85.040 and 18.85.310. 90-09-014, § 308-124E-014, filed 4/6/90, effective 5/7/90. Statutory Authority: RCW 18.85.040. 90-01-046, § 308-124E-014, filed 12/14/89, effective 1/14/90. Statutory Authority: RCW 18.85.310. 88-06-040 (Order PM 712), § 308-124E-014, filed 3/1/88.]

Chapter 308-124H WAC

REAL ESTATE COURSE SCHOOL AND INSTRUCTOR APPROVAL—EDUCATION OF REAL ESTATE BROKERS AND SALESPERSONS

WAC

PART A COURSE APPROVAL

308-124H-011	Course approval required.
308-124H-012	Course titles reserved for prescribed curriculum courses.
308-124H-013	Application process for previously approved courses.
308-124H-014	Establishing time frame for approval of core curriculum.
308-124H-025	General requirements for course approval.
308-124H-026	Secondary education provider course content approval application.
308-124H-027	Distance education delivery methods—Defined.
308-124H-028	Interactive—Defined.
308-124H-029	Distance education delivery method approval required.
308-124H-031	Distance education delivery methods certified by the Association of Real Estate License Law Officials (ARELLO).
308-124H-034	Courses completed in other jurisdictions.
308-124H-039	Changes and updates in approved courses.
308-124H-041	Certificate of course completion.
308-124H-042	Courses offered in a symposium or conference format.
308-124H-051	Disciplinary action—Procedures—Investigation.
308-124H-061	Grounds for denial or withdrawal of course approval.
308-124H-062	Hearing procedure.

PART B SCHOOL APPROVAL

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308-124H-221	Application process for previously approved schools.
308-124H-230	Application for school approval.
308-124H-245	Administrator responsibilities.
308-124H-246	Affiliated representative of an approved school—Defined—Tasks and duties described.
308-124H-250	Notice of actions by governmental entities or accrediting commissions.

308-124H-260	Required publication.
308-124H-270	Course description.
308-124H-280	Certificate of school approval.
308-124H-290	Change of ownership or circumstances.
308-124H-300	Disciplinary action—Procedures—Investigation.
308-124H-310	Grounds for denial or withdrawal of school or school administrator approval.
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PART C
INSTRUCTOR APPROVAL

308-124H-510	Instructor approval required.
308-124H-525	Application process for previously approved instructors.
308-124H-530	Certificate of instructor approval.
308-124H-540	Qualifications of instructors.
308-124H-550	Changes in instructors.
308-124H-551	Guest lecture(s)—Defined.
308-124H-560	Disciplinary action—Procedures—Investigation.
308-124H-570	Grounds for denial or withdrawal of instructor approval.
308-124H-580	Hearing procedure.
308-124H-800	Real estate course, school, and instructor approval fees.

**DISPOSITION OF SECTIONS FORMERLY
CODIFIED IN THIS CHAPTER**

308-124H-010	Approval of real estate courses to satisfy clock hour requirements. [Statutory Authority: RCW 18.85.040, [18.85].085, [18.85].090 and [18.85].095, 91-07-029, § 308-124H-010, filed 3/14/91, effective 4/14/91. Statutory Authority: RCW 18.85.040. 90-01-047, § 308-124H-010, filed 12/14/89, effective 1/14/90; 87-20-091 (Order PM 683), § 308-124H-010, filed 10/7/87; 85-21-035 (Order 136R), § 308-124H-010, filed 10/11/85; 78-11-052 (Order RE 125), § 308-124H-010, filed 10/23/78; Order RE 116, § 308-124H-010, filed 4/30/76.] Repealed by 91-23-006, filed 11/7/91, effective 12/8/91. Statutory Authority: RCW 18.85.040.	308-124H-036	Real estate brokerage management course content. [Statutory Authority: RCW 18.85.040. 90-10-010, § 308-124H-036, filed 4/20/90, effective 8/1/90; 86-11-011 (Order PM 595), § 308-124H-036, filed 5/12/86, effective 10/1/86.] Repealed by 95-03-012, filed 1/5/95, effective 2/5/95. Statutory Authority: RCW 18.85.040 and SB 6284.
308-124H-020	Administration. [Statutory Authority: RCW 18.85.040. 85-21-035 (Order 136R), § 308-124H-020, filed 10/11/85; 82-17-039 (Order 130), § 308-124H-020, filed 8/13/82; 81-05-015 (Order RE 129), § 308-124H-020, filed 2/10/81; Order RE 116, § 308-124H-020, filed 4/30/76.] Repealed by 90-10-010, filed 4/20/90, effective 8/1/90. Statutory Authority: RCW 18.85.040.	308-124H-037	Real estate law course content. [Statutory Authority: RCW 18.85.040. 90-10-010, § 308-124H-037, filed 4/20/90, effective 8/1/90. Statutory Authority: RCW 18.85.040. 86-16-055 (Order PM 606), § 308-124H-037, filed 8/1/86, effective 10/1/86.] Repealed by 95-03-012, filed 1/5/95, effective 2/5/95. Statutory Authority: RCW 18.85.040 and SB 6284.
308-124H-021	Approval of courses. [Statutory Authority: RCW 18.85.040. 90-23-039, § 308-124H-021, filed 11/15/90, effective 12/16/90; 90-10-010, § 308-124H-021, filed 4/20/90, effective 8/1/90.] Repealed by 00-08-035, filed 3/29/00, effective 7/1/00. Statutory Authority: RCW 18.85.040. and The Governor's Order on Regulatory Improvement 97-02.	308-124H-038	Course titles. [Statutory Authority: RCW 18.85.040. 87-20-091 (Order PM 683), § 308-124H-038, filed 10/7/87.] Repealed by 90-10-010, filed 4/20/90, effective 8/1/90. Statutory Authority: RCW 18.85.040.
308-124H-030	Filing of courses. [Statutory Authority: RCW 18.85.040. 89-11-032 (Order PM 844), § 308-124H-030, filed 5/12/89; 88-24-059 (Order PM 811), § 308-124H-030, filed 12/7/88; 87-20-091 (Order PM 683), § 308-124H-030, filed 10/7/87; 85-21-035 (Order 136R), § 308-124H-030, filed 10/11/85; 82-17-039 (Order 130), § 308-124H-030, filed 8/13/82; 81-05-015 (Order RE 129), § 308-124H-030, filed 2/10/81; 78-11-052 (Order RE 125), § 308-124H-030, filed 10/23/78; Order RE 116, § 308-124H-030, filed 4/30/76.] Repealed by 90-10-010, filed 4/20/90, effective 8/1/90. Statutory Authority: RCW 18.85.040.	308-124H-040	Approval of classes. [Statutory Authority: RCW 18.85.040. 87-20-091 (Order PM 683), § 308-124H-040, filed 10/7/87; 87-01-085 (Order PM 631), § 308-124H-040, filed 12/22/86; 86-11-011 (Order PM 595), § 308-124H-040, filed 5/12/86, effective 10/1/86; 86-06-011 (Order 138R), § 308-124H-040, filed 2/21/86; 85-21-035 (Order 136R), § 308-124H-040, filed 10/11/85; 81-05-015 (Order RE 129), § 308-124H-040, filed 2/10/81; 79-07-063 (Order RE 127), § 308-124H-040, filed 6/27/79; 78-11-052 (Order RE 125), § 308-124H-040, filed 10/23/78; Order RE 116, § 308-124H-040, filed 4/30/76.] Repealed by 90-10-010, filed 4/20/90, effective 8/1/90. Statutory Authority: RCW 18.85.040.
308-124H-032	Course eligibility. [Statutory Authority: RCW 18.85.040. 79-07-063 (Order RE 127), § 308-124H-032, filed 6/27/79.] Repealed by 85-21-035 (Order 136R), filed 10/11/85. Statutory Authority: RCW 18.85.040.	308-124H-043	Temporary approval of instructors. [Statutory Authority: RCW 18.85.040. 86-06-011 (Order 138R), § 308-124H-043, filed 2/21/86.] Repealed by 90-10-010, filed 4/20/90, effective 8/1/90. Statutory Authority: RCW 18.85.040.
308-124H-033	Updating of course materials in the event of a statute or rule change. [Statutory Authority: RCW 18.85.040. 88-24-059 (Order PM 811), § 308-124H-033, filed 12/7/88.] Repealed by 90-10-010, filed 4/20/90, effective 8/1/90. Statutory Authority: RCW 18.85.040.	308-124H-045	Recordkeeping. [Statutory Authority: RCW 18.85.040. 86-06-011 (Order 138R), § 308-124H-045, filed 2/21/86; 85-21-035 (Order 136R), § 308-124H-045, filed 10/11/85; 81-05-015 (Order RE 129), § 308-124H-045, filed 2/10/81; 78-11-052 (Order RE 125), § 308-124H-045, filed 10/23/78.] Repealed by 90-10-010, filed 4/20/90, effective 8/1/90. Statutory Authority: RCW 18.85.040.
308-124H-035	Real estate fundamentals course content. [Statutory Authority: RCW 18.85.040. 90-10-010, § 308-124H-035, filed 4/20/90, effective 8/1/90; 88-24-059 (Order PM 811), § 308-124H-035, filed 12/7/88; 86-11-011 (Order PM 595), § 308-124H-035, filed 5/12/86, effective 10/1/86.] Repealed by 95-03-012, filed 1/5/95, effective 2/5/95. Statutory Authority: RCW 18.85.040 and SB 6284.	308-124H-050	Review applications. [Statutory Authority: RCW 18.85.040. 81-05-015 (Order RE 129), § 308-124H-050, filed 2/10/81; 78-11-052 (Order RE 125), § 308-124H-050, filed 10/23/78; Order RE 116, § 308-124H-050, filed 4/30/76.] Repealed by 90-10-010, filed 4/20/90, effective 8/1/90. Statutory Authority: RCW 18.85.040.
		308-124H-055	Broker real estate education requirements. [Statutory Authority: RCW 18.85.040. 78-11-052 (Order RE 125), § 308-124H-055, filed 10/23/78.] Repealed by 90-10-010, filed 4/20/90, effective 8/1/90. Statutory Authority: RCW 18.85.040.
		308-124H-060	Teachers and/or instructors. [Statutory Authority: RCW 18.85.040. 85-21-035 (Order 136R), § 308-124H-060, filed 10/11/85; 82-17-039 (Order 130), § 308-124H-060, filed 8/13/82; 81-05-015 (Order RE 129), § 308-124H-060, filed 2/10/81; 78-11-052 (Order RE 125), § 308-124H-060, filed 10/23/78; Order RE 118, § 308-124H-060, filed 7/6/76; Order RE 116, § 308-124H-060, filed 4/30/76.] Repealed by 90-10-010, filed 4/20/90, effective 8/1/90. Statutory Authority: RCW 18.85.040.
		308-124H-065	Inspection of records. [Statutory Authority: RCW 18.85.040. 85-21-035 (Order 136R), § 308-124H-065, filed 10/11/85.] Repealed by 90-10-010, filed 4/20/90, effective 8/1/90. Statutory Authority: RCW 18.85.040.
		308-124H-070	Completion of courses. [Statutory Authority: RCW 18.85.040. 87-20-091 (Order PM 683), § 308-124H-070, filed 10/7/87; 78-11-052 (Order RE 125), § 308-124H-070, filed 10/23/78; Order RE 116, § 308-124H-070, filed 4/30/76.] Repealed by 90-10-010, filed 4/20/90, effective 8/1/90. Statutory Authority: RCW 18.85.040.
		308-124H-080	Courses for license activation. [Statutory Authority: RCW 18.85.040. 85-21-035 (Order 136R), § 308-124H-080, filed 10/11/85.] Repealed by 95-03-012, filed 1/5/95, effective 7/1/95. Statutory Authority: RCW 18.85.040 and SB 6284.
		308-124H-220	Approval of schools. [Statutory Authority: RCW 18.85.040. 90-23-039, § 308-124H-220, filed 11/15/90, effective 12/16/90; 90-10-010, § 308-124H-220, filed

- 4/20/90, effective 8/1/90.] Repealed by 00-08-035, filed 3/29/00, effective 7/1/00. Statutory Authority: RCW 18.85.040. and The Governor's Order on Regulatory Improvement 97-02.
- 308-124H-240 Administrator qualifications. [Statutory Authority: RCW 18.85.040. 90-10-010, § 308-124H-240, filed 4/20/90, effective 8/1/90.] Repealed by 00-08-035, filed 3/29/00, effective 7/1/00. Statutory Authority: RCW 18.85.040. and The Governor's Order on Regulatory Improvement 97-02.
- 308-124H-520 Approval of instructors. [Statutory Authority: RCW 18.85.040. 91-12-013, § 308-124H-520, filed 5/30/91, effective 6/30/91; 90-23-039, § 308-124H-520, filed 11/15/90, effective 12/16/90; 90-10-010, § 308-124H-520, filed 4/20/90, effective 8/1/90.] Repealed by 00-08-035, filed 3/29/00, effective 7/1/00. Statutory Authority: RCW 18.85.040. and The Governor's Order on Regulatory Improvement 97-02.

PART A COURSE APPROVAL

WAC 308-124H-011 Course approval required. (1)

Any education provider or course developer may submit a course to the department for approval.

(2) Course approval by the department is required prior to the date on which the course is offered for clock hour credit.

(3) Each application for approval of a course shall be submitted to the department on the appropriate application form provided by the department.

(4) The director or designee shall approve, disapprove, or conditionally approve applications based upon criteria established by the commission.

(5) Upon approval, disapproval or conditional approval, the applicant will be so advised in writing by the department. Notification of disapproval shall include the reasons therefor.

(6) Approval shall expire two years after the effective date of approval.

[Statutory Authority: RCW 18.85.040 and The Governor's Order on Regulatory Improvement 97-02. 00-08-035, § 308-124H-011, filed 3/29/00, effective 7/1/00. Statutory Authority: RCW 18.85.040 and SB 6284. 95-03-012, § 308-124H-011, filed 1/5/95, effective 7/1/95. Statutory Authority: RCW 18.85.040. 90-10-010, § 308-124H-011, filed 4/20/90, effective 8/1/90.]

WAC 308-124H-012 Course titles reserved for prescribed curriculum courses. Any approved school desiring to offer fundamentals, business management, broker management, real estate law, and/or real estate practices shall utilize the most recent course curriculum prescribed by the department, and shall include in its title the phrase "real estate fundamentals," "real estate brokerage management," "real estate law," "business management," or "real estate practices" if submitted for approval for clock hours. No other courses shall use these phrases in their titles.

[Statutory Authority: RCW 18.85.040 and The Governor's Order on Regulatory Improvement 97-02. 00-08-035, § 308-124H-012, filed 3/29/00, effective 7/1/00.]

WAC 308-124H-013 Application process for previously approved courses. (1) If there are no changes in course content or in the original course approval application for a previously approved course, the course will be approved upon receipt of a course renewal application and payment of the required fee.

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(2) If there are changes in course content or in the original course approval application for a previously approved course, other than updating for changes required by WAC 308-124H-039, the application will not be processed as a renewal, and will require completion of a course approval application and payment of the required fee.

(3) If a course renewal application or a course approval application is submitted at least thirty days prior to the current course expiration date, the previous course approval shall remain in effect until action is taken by the director.

[Statutory Authority: RCW 18.85.040 and The Governor's Order on Regulatory Improvement 97-02. 00-08-035, § 308-124H-013, filed 3/29/00, effective 7/1/00.]

WAC 308-124H-014 Establishing time frame for approval of core curriculum. The first required core curriculum continuing education courses will be offered for eighteen months, beginning June 1, 2002, ending December 31, 2003. Following the initial introductory core curriculum, the approval period for courses designated as satisfying the core curriculum(s) shall be from January 1 through December 31, a two-year (twenty-four month) period. Courses submitted and approved prior to the two-year period will not be allowed to commence for core curriculum credit until January 1. Courses submitted later than January 1, will still have an expiration date of December 31, making that course approval period less than two years.

[Statutory Authority: RCW 18.85.040(1), 43.24.086. 02-03-055, § 308-124H-014, filed 1/10/02, effective 2/10/02.]

WAC 308-124H-025 General requirements for course approval. Courses shall meet the following requirements:

(1) Be offered by a private entity approved by the director to operate as a school;

(2) Be offered by a tax-supported, public technical or community college or other institution of higher learning that certifies clock hours as indicated in RCW 18.85.010(9), consistent with the approval standards prescribed by the director and this chapter;

(3) Be offered by the Washington real estate commission;

(4) Have a minimum of three hours of course work or instruction for the student. A clock-hour is a period of fifty minutes of actual instruction;

(5) Provide practical information related to the practice of real estate in any of the following real estate topic areas: Fundamentals, practices, principles/essentials, real estate law, legal aspects, brokerage management, business management, taxation, appraisal, evaluating real estate and business opportunities, property management and leasing, construction and land development, ethics and standards of practice, real estate closing practices, current trends and issues, finance, hazardous waste and other environmental issues, commercial, real estate sales and marketing, instructor development or the use of computers and/or other technologies as applied to the practice of real estate;

(6) Be under the supervision of an instructor approved to teach the topic area, who shall, at a minimum, be available to respond to specific questions from students on an immediate or reasonably delayed basis;

(7) The following types of courses will not be approved for clock hours: Course offerings in mechanical office and business skills, such as, keyboarding, speed-reading, memory improvement, language, and report writing; orientation courses for licensees, such as those offered by trade associations; and personal and sales motivation courses or sales meetings held in conjunction with a licensee's general business. Clock hours will not be awarded for any course time devoted to meals or transportation;

(8) Courses of thirty clock hours or more which are submitted for approval shall include a comprehensive examination(s) and answer key(s) of no fewer than three questions per clock hour with a minimum of ninety questions, and a requirement of passing course grade of at least seventy percent; essay question examination keys shall identify the material to be tested and the points assigned for each question;

(9) Include textbook or instructional materials approved by the director, which shall be kept accurate and current;

(10) Not have a title which misleads the public as to the subject matter of the course;

(11) The provider's course application shall identify learning objectives and demonstrate how these are related to the practice of real estate;

(12) Courses offering the prescribed core curriculum shall meet the requirements of WAC 308-124A-605;

(13) Only primary providers shall be approved to teach the prescribed core curriculum; and

(14) Course providers offering core curriculum within a course exceeding three clock hours must clearly indicate in the application for approval where the core curriculum elements are met in the course.

[Statutory Authority: RCW 18.85.040(1), 03-02-001, § 308-124H-025, filed 12/19/02, effective 1/19/03. Statutory Authority: RCW 18.85.040(1), 43.24.086, 02-03-055, § 308-124H-025, filed 1/10/02, effective 2/10/02. Statutory Authority: RCW 18.85.040 and The Governor's Order on Regulatory Improvement 97-02, 00-08-035, § 308-124H-025, filed 3/29/00, effective 7/1/00. Statutory Authority: RCW 18.85.040 and chapter 18.86 RCW, 97-01-027, § 308-124H-025, filed 12/10/96, effective 1/10/97. Statutory Authority: RCW 18.85.040 and SB 6284, 95-03-012, § 308-124H-025, filed 1/5/95, effective 7/1/95. Statutory Authority: RCW 18.85.040, 91-23-006, § 308-124H-025, filed 11/7/91, effective 12/8/91. Statutory Authority: RCW 18.85.040, [18.85].085, [18.85].090 and [18.85].095, 91-07-029, § 308-124H-025, filed 3/14/91, effective 4/14/91. Statutory Authority: RCW 18.85.040, 90-10-010, § 308-124H-025, filed 4/20/90, effective 8/1/90.]

WAC 308-124H-026 Secondary education provider course content approval application. (1) An approved school may offer courses that are currently approved for another education provider or course developer provided a secondary provider course content approval application is submitted to the department;

(2) The applicant must also provide written authorization by the original education provider/developer permitting use of the course content by the applicant;

(3) A certificate of course approval will be provided to the secondary education provider;

(4) The applicant must use the course approval number issued by the department on all certificates of course completion;

(5) Course approval is valid only for the dates of the original education provider/course developer's approval; and

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(6) Secondary provider course content approval applications may not be used for real estate fundamentals, real estate brokerage management, real estate law, business management, or real estate practices.

[Statutory Authority: RCW 18.85.040 and The Governor's Order on Regulatory Improvement 97-02, 00-08-035, § 308-124H-026, filed 3/29/00, effective 7/1/00.]

WAC 308-124H-027 Distance education delivery methods—Defined. As used in this chapter, a distance education delivery method is one in which instruction takes place in other than a live classroom setting, the instructor and the student are in physically separate locations, and interactive instructional methods such as video-based instruction, computer conferencing, video conferencing, interactive audio, interactive computer software, or Internet-based instruction are used.

[Statutory Authority: RCW 18.85.040 and The Governor's Order on Regulatory Improvement 97-02, 00-08-035, § 308-124H-027, filed 3/29/00, effective 7/1/00.]

WAC 308-124H-028 Interactive—Defined. (1) As used in this chapter, interactive means the course structure and technologies promote active student involvement with the course content, including the ability to:

- (a) Access or bypass optional content, if applicable;
- (b) Submit questions or answer test items, and receive direct feedback; and
- (c) Communicate with the instructor and/or other students on an immediate or reasonably delayed basis.

(2) Interactive instruction specifically excludes courses that only provide passive delivery of instructional content.

[Statutory Authority: RCW 18.85.040 and The Governor's Order on Regulatory Improvement 97-02, 00-08-035, § 308-124H-028, filed 3/29/00, effective 7/1/00.]

WAC 308-124H-029 Distance education delivery method approval required. Applicants are required to submit an application for each separate distance education delivery method for which they propose to offer approved courses for clock hours. When submitting a distance education delivery method application, the following minimum criteria must be provided by the applicant:

(1) Specify the course learning objectives for each learning unit and clearly demonstrate that the learning objectives cover the subject matter and how these relate to the practice of real estate. Objectives must be specific to ensure that all content is covered adequately to ensure mastery;

(2) Demonstrate how mastery of the material is provided by:

(a) Dividing the material into major learning units, each of which divides the material into modules of instruction;

(b) Specifying learning objectives for each learning unit or module of instruction. Learning objectives must be comprehensive enough to ensure that if all the objectives are met, the entire content of the course will be mastered;

(c) Specifying an objective, quantitative criterion for mastery used for each learning objective and provide a structured learning method designed to enable students to attain each objective;

(3) Demonstrate that the course includes the same or reasonably similar informational content as a course that would otherwise qualify for the requisite number of clock hours of classroom-based instruction and how the provider will know that the student completed the required number of clock hours;

(4) Describe consistent and regular interactive events appropriate to the delivery method. The interactive elements must be designed to promote student involvement in the learning process, and must directly support the student's achievement of the course learning objectives. The application must identify the interactive events included in the course and specify how the interactive events contribute to achievement of the stated learning objectives;

(5) Demonstrate how the course provides a mechanism of individual remediation to correct any deficiencies identified during the instruction and assessment process;

(6) Measure, at regular intervals, the student's progress toward completion of the mastery requirement for each learning unit or module. In the case of computer-based instruction, the course software must include automatic shutdown after a period of inactivity;

(7) Demonstrate that approved instructors are available to answer questions regarding course content at reasonable times and by reasonable means, including in-person contact, individual and conference telephone calls, e-mail and fax;

(8) Demonstrate how reasonable security will be provided to ensure that the student who receives credit for the course is the student who enrolled in and completed the course. Both the approved school and the student must certify in writing that the student has completed the course, and the required number of clock hours;

(9) Provide a complete description of any hardware, software, or other technology to be used by the provider and needed by the student to effectively engage in the delivery and completion of the course material and an assessment of the availability and adequacy of the equipment, software, or other technologies to the achievement of the course's instructional claims;

(10) Provide an orientation session with the instructor or an affiliated representative of an approved school. Mechanisms must be clearly in place which allow students an early orientation to discuss course specifics;

(11) Demonstrate how the provider determined the number of clock hours requested in the distance education delivery method approval application; and

(12) Provide with each distance education delivery method approval application a copy of a course evaluation form. The provider must provide each student with the mandatory evaluation form and retain the completed form in the school records as required under WAC 308-124H-245(4).

[Statutory Authority: RCW 18.85.040(1), 03-14-020, § 308-124H-029, filed 6/20/03, effective 7/21/03; 03-02-001, § 308-124H-029, filed 12/19/02, effective 1/19/03. Statutory Authority: RCW 18.85.040 and The Governor's Order on Regulatory Improvement 97-02. 00-08-035, § 308-124H-029, filed 3/29/00, effective 7/1/00.]

WAC 308-124H-031 Distance education delivery methods certified by the Association of Real Estate License Law Officials (ARELLO). An applicant who provides evidence of certification of the distance education

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delivery method for his or her course by the Association of Real Estate License Law Officials (ARELLO) need not submit an application for approval of the same distance education delivery method when delivering the same course within the state of Washington.

[Statutory Authority: RCW 18.85.040 and The Governor's Order on Regulatory Improvement 97-02. 00-08-035, § 308-124H-031, filed 3/29/00, effective 7/1/00.]

WAC 308-124H-034 Courses completed in other jurisdictions. A course completed in another jurisdiction may be approved for clock hour credit if:

(1) The course was offered by a tax-supported, public technical or community college, or any other institution of higher learning, and the director determines that the course substantially satisfies the general requirements for course approval consistent with the intent of this chapter;

(2) The course was approved to satisfy an education requirement for real estate licensing or renewal and offered by an entity approved to offer the course by the real estate licensing agency in that jurisdiction; or

(3) If the director determines that the course substantially satisfies the general requirements for course approval consistent with the intent of this chapter.

[Statutory Authority: RCW 18.85.040 and The Governor's Order on Regulatory Improvement 97-02. 00-08-035, § 308-124H-034, filed 3/29/00, effective 7/1/00.]

WAC 308-124H-039 Changes and updates in approved courses. (1) Course materials shall be updated no later than thirty days after the effective date of a change in federal, state, or local statutes or rules.

(2) Any change in course content or material other than updating for statute or rule changes, shall be submitted to the department prior to the date of using the changed course content material, for approval by the director.

(3) Changes in course instructors may be made only if the substitute instructors are currently approved to teach the topic area pursuant to chapter 308-124H WAC.

[Statutory Authority: RCW 18.85.040 and The Governor's Order on Regulatory Improvement 97-02. 00-08-035, § 308-124H-039, filed 3/29/00, effective 7/1/00.]

WAC 308-124H-041 Certificate of course completion. Each approved school shall issue a certificate of course completion to students who have satisfactorily completed the course requirements. The certificate shall include the following information:

- (1) Student's name;
- (2) School's name and identification number issued by the department;
- (3) The course commencement date and completion date;
- (4) Course title;
- (5) Clock hours for the course;
- (6) School administrator's signature;
- (7) Course identification number issued by the department;
- (8) Instructor name and number; and
- (9) Completion of a required examination, if applicable.

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[Statutory Authority: RCW 18.85.040 and The Governor's Order on Regulatory Improvement 97-02. 00-08-035, § 308-124H-041, filed 3/29/00, effective 7/1/00. Statutory Authority: RCW 18.85.040 and SB 6284. 95-03-012, § 308-124H-041, filed 1/5/95, effective 2/5/95. Statutory Authority: RCW 18.85.040. 90-10-010, § 308-124H-041, filed 4/20/90, effective 8/1/90.]

WAC 308-124H-042 Courses offered in a symposium or conference format. (1) Approved schools offering courses in a symposium or conference format with two or more modules of independent instruction may issue certificates of course completion for fewer clock hours than approved by the department on their original course approval application; and

(2) Students must complete a minimum of three clock hours of instruction to receive clock hour credit.

[Statutory Authority: RCW 18.85.040 and The Governor's Order on Regulatory Improvement 97-02. 00-08-035, § 308-124H-042, filed 3/29/00, effective 7/1/00.]

WAC 308-124H-051 Disciplinary action—Procedures—Investigation. (1) The department shall have the authority on its own motion or upon complaint made to it to investigate or audit any course to determine compliance with chapter 18.85 RCW and with the rules and regulations of this chapter.

(2) Complaints concerning approved courses should be made in writing to the department and contain the following information when appropriate:

(a) The complainant's name, address, and telephone number;

(b) School name, address, and telephone number;

(c) Instructor(s) name;

(d) Nature of complaint and facts detailing dates of attendance, termination date, date of occurrence, names, addresses and positions of school officials contacted, and any other pertinent information;

(e) An explanation of what efforts if any, have been taken to resolve the problem with the school;

(f) Copies of pertinent documents, publications, and advertisements.

[Statutory Authority: RCW 18.85.040 and The Governor's Order on Regulatory Improvement 97-02. 00-08-035, § 308-124H-051, filed 3/29/00, effective 7/1/00. Statutory Authority: RCW 18.85.040. 90-10-010, § 308-124H-051, filed 4/20/90, effective 8/1/90.]

WAC 308-124H-061 Grounds for denial or withdrawal of course approval. Course approval may be denied or withdrawn if the instructor or any owner, administrator or affiliated representative of a school, or a course provider or developer:

(1) Submits a false or incomplete course application or any other information required to be submitted to the department;

(2) Includes in its title the phrase "real estate fundamentals," "real estate brokerage management," "real estate law," "business management," and "real estate practice" if the course was not submitted for approval of clock hours pursuant to WAC 308-124H-012;

(3) If the title of the course misleads the public and/or licensees as to the subject matter of the course;

(4) If course materials are not updated within thirty days of the effective date of a change in the statute or rules;

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(5) If course content or material changes are not submitted to the department for approval prior to the date of using the changed course content;

(6) Failed to meet the requirements under WAC 308-124H-025, 308-124H-026, and 308-124H-029;

(7) If a course or prescribed core curriculum was approved through the mistake or inadvertence of the director.

[Statutory Authority: RCW 18.85.040(1). 03-14-020, § 308-124H-061, filed 6/20/03, effective 7/21/03; 02-03-056, § 308-124H-061, filed 1/10/02, effective 2/10/02. Statutory Authority: RCW 18.85.040 and The Governor's Order on Regulatory Improvement 97-02. 00-08-035, § 308-124H-061, filed 3/29/00, effective 7/1/00. Statutory Authority: RCW 18.85.040 and SB 6284. 95-03-012, § 308-124H-061, filed 1/5/95, effective 2/5/95. Statutory Authority: RCW 18.85.040. 90-10-010, § 308-124H-061, filed 4/20/90, effective 8/1/90.]

WAC 308-124H-062 Hearing procedure. Upon notice of course denial or disapproval or withdrawal of course approval, a person is entitled to a hearing conducted in accordance with the Administrative Procedure Act, chapter 34.05 RCW, and the provisions of WAC 308-124-025, 308-124-035 and 308-124-045.

To exercise the right to a hearing under this section, a person must request a hearing within twenty days after receipt of the notice of denial, disapproval or withdrawal of course approval.

Any person aggrieved by a final decision of the director or authorized representative of the director is entitled to judicial review under the provisions of the Administrative Procedure Act, chapter 34.05 RCW.

[Statutory Authority: RCW 18.85.040(1). 02-03-056, § 308-124H-062, filed 1/10/02, effective 2/10/02. Statutory Authority: RCW 18.85.040 and The Governor's Order on Regulatory Improvement 97-02. 00-08-035, § 308-124H-062, filed 3/29/00, effective 7/1/00. Statutory Authority: RCW 18.85.040. 90-10-010, § 308-124H-062, filed 4/20/90, effective 8/1/90.]

PART B SCHOOL APPROVAL

WAC 308-124H-210 School and school administrator approval required. (1) School and school administrator approval by the department is required prior to the date on which courses are offered for clock hour credit.

(2) Each application for approval of a school or school administrator shall be submitted to the department on the appropriate application form provided by the department. The most recent application form shall be obtained from the department prior to submission.

(3) The director or designee shall approve or disapprove applications based upon criteria established by the commission. The director or designee shall approve only complete applications which meet the requirements of this chapter.

(4) Upon approval or disapproval the applicant will be so advised in writing by the department. Notification of disapproval shall include the reasons therefor.

(5) No school for which approval is required shall promote a course for clock hour credit prior to approval of the school.

(6) No school shall allow an instructor for whom approval is required to supervise a course for clock hour credit prior to approval of the instructor.

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(7) No school shall issue to a student certification for completion of an approved course unless the course had been approved prior to the first day of instruction.

(8) Approval shall expire two years after the effective date of approval.

(9) School names submitted that are similar to those currently approved shall not be granted approval.

[Statutory Authority: RCW 18.85.040 and The Governor's Order on Regulatory Improvement 97-02. 00-08-035, § 308-124H-210, filed 3/29/00, effective 7/1/00. Statutory Authority: RCW 18.85.040. 90-10-010, § 308-124H-210, filed 4/20/90, effective 8/1/90.]

WAC 308-124H-221 Application process for previously approved schools. (1) If there are no changes in the original school or school administrator approval application for a previously approved school or school administrator, the school or school administrator will be approved upon receipt of a school or school administrator renewal application and payment of the required fee.

(2) If there are changes in the original school or school administrator approval application for previously approved schools or school administrators, the application will not be processed as a renewal, and will require completion of a school or school administrator approval application and payment of required fees.

(3) If a school or school administrator renewal application or a school or school administrator approval application is submitted at least thirty days prior to the current school expiration date, the previous school or school administrator approval shall remain in effect until action to approve or disapprove the application is taken by the director.

[Statutory Authority: RCW 18.85.040 and The Governor's Order on Regulatory Improvement 97-02. 00-08-035, § 308-124H-221, filed 3/29/00, effective 7/1/00.]

WAC 308-124H-230 Application for school approval. An application for school approval shall include the following information attested to by the school's administrator, who shall be responsible for administration of the school:

(1) The complete legal name of the school, current telephone number, current mailing address, the school's administrative office address, and date of establishment;

(2) The form of ownership of the school, whether sole proprietorship, partnership, limited partnership, or corporation, limited liability company or limited liability partnership;

(3) If the school is a corporation or a subsidiary of another corporation, current evidence of registration with the Washington secretary of state's office and the name, address, and telephone number of the corporation's registered agent;

(4) The administrator's name, and evidence of previous experience in administration of educational institutions, courses or programs, previous experience in the administration of business activities related to real estate, or administrative experience in the field of real estate;

(5) The publication required under WAC 308-124H-260 and the course description required under WAC 308-124H-270.

[Statutory Authority: RCW 18.85.040 and The Governor's Order on Regulatory Improvement 97-02. 00-08-035, § 308-124H-230, filed 3/29/00, effective 7/1/00.]

tive 7/1/00. Statutory Authority: RCW 18.85.040. 90-10-010, § 308-124H-230, filed 4/20/90, effective 8/1/90.]

WAC 308-124H-245 Administrator responsibilities. Each school administrator shall be responsible for performing the following:

(1) Ensure that the school, course(s), and instructor(s) are all currently approved before offering clock hour courses;

(2) Ensure that all instructors are approved to teach in the appropriate topic area(s);

(3) Sign and verify all course completion certificates;

(4) Maintain all required records for five years, including attendance records, required publications, and course evaluations;

(5) Safeguard comprehensive examinations;

(6) Ensure the supervision and demonstrate responsibility for the conduct of employees and individuals affiliated with the school;

(7) Periodically review courses and advise department of content currency as required;

(8) Ensure each student is provided a course curriculum; and

(9) Ensure each student is provided a course evaluation form.

[Statutory Authority: RCW 18.85.040 and The Governor's Order on Regulatory Improvement 97-02. 00-08-035, § 308-124H-245, filed 3/29/00, effective 7/1/00.]

WAC 308-124H-246 Affiliated representative of an approved school—Defined—Tasks and duties described.

(1) An affiliated representative of an approved school is the natural person employed by or associated with an approved real estate school, and who is authorized by the school administrator to perform the following tasks and duties:

(a) Conduct student orientation sessions;

(b) Provide technical and/or procedural advice regarding course requirements and program operations;

(c) Perform routine or periodic audits of student progress; and

(d) Perform other tasks delegated by the approved school administrator, not requiring the interpretation of course content or subject matter expertise.

(2) Responsibility for an affiliated representative in the performance of the tasks and duties described above shall rest with the approved school administrator.

[Statutory Authority: RCW 18.85.040 and The Governor's Order on Regulatory Improvement 97-02. 00-08-035, § 308-124H-246, filed 3/29/00, effective 7/1/00.]

WAC 308-124H-250 Notice of actions by governmental entities or accrediting commissions. School applicants and approved schools shall present the department with written details of any consent orders with the Federal Trade Commission and any final actions which have been taken against the school, its administrator, its owners, officers, or directors by any federal or state agencies, including courts or accrediting commissions, of which the school has knowledge and inform the department in writing of actions being taken to correct deficiencies cited. Directors, officers, and owners shall advise the administrator of any such actions taken against the directors, officers, or owners. School applicants

and approved schools shall not purposely avoid gaining knowledge of such actions. Final actions shall not include traffic violations or traffic convictions. Directors of trade associations are exempt from this section.

[Statutory Authority: RCW 18.85.040. 90-10-010, § 308-124H-250, filed 4/20/90, effective 8/1/90.]

WAC 308-124H-260 Required publication. Each school shall have available to prospective and enrolled students a publication containing the following information:

- (1) Date of publication;
- (2) Name and address of school. The name of the administrator and telephone number(s) of the school's administrative offices;
- (3) A list of courses, as outlined in WAC 308-124H-270;
- (4) Description of all course prerequisites;
- (5) The school's policy regarding:
 - (a) Admission procedure;
 - (b) Causes for dismissal and conditions for readmission;
 - (c) Attendance requirements, leave, absences, makeup work, and tardiness;
 - (d) Standards of progress required of the student, including a definition of the grading system of the school, the minimum grades considered satisfactory, and the conditions for reentrance for those students whose course of study is interrupted;
 - (e) Refund policy of registration or tuition fees, record retrieval fee, or any other charges, including procedures a student shall follow to cancel enrollment before or after instruction has begun;
- (6) The statement that: "This school is approved under chapter 18.85 RCW; inquiries regarding this or any other real estate school may be made to the: Washington State Department of Licensing, Real Estate Program, P.O. Box 9015, Olympia, Washington 98507-9015";
- (7) Dated supplements or errata sheets so as to maintain accuracy of the information in the publication, which shall clearly indicate that such information supersedes that which it contradicts and/or replaces elsewhere in the publication.

[Statutory Authority: RCW 18.85.040 and The Governor's Order on Regulatory Improvement 97-02. 00-08-035, § 308-124H-260, filed 3/29/00, effective 7/1/00. Statutory Authority: RCW 18.85.040. 90-23-039, § 308-124H-260, filed 11/15/90, effective 12/16/90; 90-10-010, § 308-124H-260, filed 4/20/90, effective 8/1/90.]

WAC 308-124H-270 Course description. Each approved school shall have available for distribution to prospective and enrolled students a course description containing the following information:

- (1) Name of approved school;
- (2) Date(s) and location of the course;
- (3) The course title;
- (4) The educational objectives of the course;
- (5) The type of instruction (e.g., live classroom or distance education) in the course and the length of time required for completion;
- (6) The number of clock hours approved for the course, or, a statement that an application for approval is pending;
- (7) Name(s) of instructors when available;
- (8) Equipment and supplies which the student must provide;

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(9) Fees for the course;

(10) The specific education requirements under chapter 18.85 RCW or chapter 308-124H WAC which will be met upon completion of the course students shall be informed, that for courses of thirty clock hours or more, a comprehensive examination is available and is mandatory to satisfy the requirements of RCW 18.85.090 and 18.85.095;

(11) Cancellation policy; and

(12) Tuition refund policy.

[Statutory Authority: RCW 18.85.040 and The Governor's Order on Regulatory Improvement 97-02. 00-08-035, § 308-124H-270, filed 3/29/00, effective 7/1/00. Statutory Authority: RCW 18.85.040. 91-23-006, § 308-124H-270, filed 11/7/91, effective 12/8/91; 90-10-010, § 308-124H-270, filed 4/20/90, effective 8/1/90.]

WAC 308-124H-280 Certificate of school approval.

Upon approval a school shall be issued a certificate of approval containing the school's name, address, identification number, date of approval, and name of administrator.

No school shall adopt or make a change in its name of its administrative office prior to payment of the required fee and receipt of a new certificate from the department.

[Statutory Authority: RCW 18.85.040. 90-10-010, § 308-124H-280, filed 4/20/90, effective 8/1/90.]

WAC 308-124H-290 Change of ownership or circumstances. A change in the sole proprietor of a school, in the majority interest of general partners of a partnership owning a school, or in a majority stock ownership of a school shall be deemed a change of ownership.

Upon change of ownership or administrator, approval shall continue provided that a new application for approval shall be submitted to the department within twenty days after a change of ownership or administrator. The administrator must submit a notarized statement of the change asserting that all conditions required in these rules are being met. The school may continue to offer courses under the prior approval until action is taken on the new application. The school administrator is responsible for notifying the department of address changes.

In case of bankruptcy, a notarized statement reporting the information shall be filed with the department within twenty days.

Unless the above conditions are met, school approval shall be terminated upon a change of ownership.

[Statutory Authority: RCW 18.85.040 and The Governor's Order on Regulatory Improvement 97-02. 00-08-035, § 308-124H-290, filed 3/29/00, effective 7/1/00. Statutory Authority: RCW 18.85.040. 90-10-010, § 308-124H-290, filed 4/20/90, effective 8/1/90.]

WAC 308-124H-300 Disciplinary action—Procedures—Investigation. (1) The department shall have the authority, on its own motion or upon complaint made to it, to investigate or audit any school to determine compliance with chapter 18.85 RCW and with the rules and regulations of this chapter.

(2) Complaints concerning approved schools should be made in writing to the department and contain the following information when appropriate:

- (a) The complainant's name, address, and telephone number;

- (b) School name, address, and telephone number;
 - (c) Instructor(s) name;
 - (d) Nature of complaint and facts detailing dates of attendance, termination date, date of occurrence, names, addresses and positions of school officials contacted, and any other pertinent information;
 - (e) An explanation of what efforts if any, have been taken to resolve the problem with the school;
 - (f) Copies of pertinent documents, publications, and advertisements.
- (3) All approved schools shall be subject to periodic visits by an official representative for the department who may observe classroom and distance education activities, evaluate course content, exams and instructor proficiency to ensure that courses are being taught in accordance with the provisions of this chapter.

[Statutory Authority: RCW 18.85.040 and The Governor's Order on Regulatory Improvement 97-02. 00-08-035, § 308-124H-300, filed 3/29/00, effective 7/1/00. Statutory Authority: RCW 18.85.040. 90-10-010, § 308-124H-300, filed 4/20/90, effective 8/1/90.]

WAC 308-124H-310 Grounds for denial or withdrawal of school or school administrator approval. Approval may be denied or withdrawn if the instructor or any owner, administrator, or affiliated representative of a school:

- (1) Has had any disciplinary action taken against his/her professional license in this or any other jurisdiction;
- (2) Falsified any student records or clock hour certificates;
- (3) Falsified any application or any other information required to be submitted to the department;
- (4) Attempted in any manner to discover, or to impart to any license candidate, the content of and/or answer to any real estate license examination question(s);
- (5) Violated any provision in chapter 18.85 RCW or the rules promulgated thereunder;
- (6) Failed to cooperate with the department in any investigation or hearing;
- (7) Has been convicted of a crime within the preceding ten years;
- (8) Violated any of the provisions of any local, state, or federal antidiscrimination law;
- (9) Continued to teach or offer any real estate subject matter whereby the interests of the public are endangered, after the director, by order in writing, stated objections thereto;
- (10) Offered, sold, or awarded any clock hours without requiring the student to successfully complete the clock hours for which the course was approved;
- (11) Accepted registration fees and not supplied the service and/or failed to refund the fees within thirty days of not supplying the service;
- (12) Represented in any manner that the school is associated with a "college" or "university" unless it meets the standards and qualifications of and has been approved by the state agency having jurisdiction;
- (13) Represented that a school is recommended or endorsed by the state of Washington or by the department, provided that a school authorized to offer clock hours under this chapter may state: "This school is approved under chapter 18.85 RCW";

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- (14) Advertised, published, printed, or distributed false or misleading information;
- (15) Advertised the availability of clock hour credit for a course in any manner without affixing the name of the school as approved by the department;
- (16) Solicited, directly or indirectly, information from applicants for a real estate license following the administration of any real estate examination to discover the content of and/or answer to any examination question or questions;
- (17) Has failed to meet the requirements of this chapter;
- (18) Failed to teach a course consistent with the approved course content or curriculum;
- (19) Used a substitute instructor who has not been approved to teach the topic area(s) pursuant to chapter 308-124H WAC.

[Statutory Authority: RCW 18.85.040 and The Governor's Order on Regulatory Improvement 97-02. 00-08-035, § 308-124H-310, filed 3/29/00, effective 7/1/00. Statutory Authority: RCW 18.85.040 and SB 6284. 95-03-012, § 308-124H-310, filed 1/5/95, effective 2/5/95. Statutory Authority: RCW 18.85.040. 90-10-010, § 308-124H-310, filed 4/20/90, effective 8/1/90.]

WAC 308-124H-320 Hearing procedure. Upon notice of disapproval or issuance of charges, a person is entitled to a hearing conducted in accordance with the Administrative Procedure Act, chapter 34.05 RCW, and the provisions of WAC 308-124-025, 308-124-035 and 308-124-045.

To exercise the right to a hearing under this section, a person must request a hearing within twenty days after receipt of the notice of disapproval or charges.

Any person aggrieved by a final decision of the director is entitled to judicial review under the provisions of the Administrative Procedure Act, chapter 34.05 RCW.

[Statutory Authority: RCW 18.85.040 and The Governor's Order on Regulatory Improvement 97-02. 00-08-035, § 308-124H-320, filed 3/29/00, effective 7/1/00. Statutory Authority: RCW 18.85.040. 90-10-010, § 308-124H-320, filed 4/20/90, effective 8/1/90.]

WAC 308-124H-330 Record retention. (1) Each school shall maintain for a minimum of five years each student's record and each edition of a required publication;

- (2) A "student record" shall include:
 - (a) The name, address, and telephone number of the school;
 - (b) Full name, address, and telephone number of the student;
 - (c) Beginning and ending dates of attendance and date of registration agreement if the refund policy relates to the registration date;
 - (d) Clock hour courses completed and examination results.
- (3) Each school shall provide a copy of a student's record to the student upon request.

[Statutory Authority: RCW 18.85.040. 90-10-010, § 308-124H-330, filed 4/20/90, effective 8/1/90.]

WAC 308-124H-340 School closing/change of status. (1) A school shall make plans and take measures to protect the rights of present and former students if it goes out of business.

(2) Upon cessation of instruction or termination of approved status, a school shall immediately furnish to the department by certified mail or hand delivery:

- (a) Its certificate of approval;
- (b) Name, address, and telephone number of the person who will be responsible for closing arrangements;
- (c) The student's name, address and telephone number, the name of the course, the amount of class time remaining to complete the course, and the total amount of tuition and fees paid by the student for the course;

(d) A copy of a written notice which shall be mailed to all enrolled students in clock hour courses who have not completed a current course because of cessation of instruction; the notice shall explain the procedures students must follow to secure refunds or to continue their education;

(e) Procedures for disbursement of refunds to enrolled students, in the full amount to which they are entitled, no later than thirty days from the last day of instruction.

(3) Upon closing, a school shall arrange for a person approved by the department to retain the records required under WAC 308-124H-330. If a school closes without arranging for record retention, the department may obtain the records to protect the former students.

[Statutory Authority: RCW 18.85.040. 90-10-010, § 308-124H-340, filed 4/20/90, effective 8/1/90.]

PART C INSTRUCTOR APPROVAL

WAC 308-124H-510 Instructor approval required.

(1) Instructor approval by the department is required prior to the date on which the course is offered for clock hour credit.

(2) Each application for approval of an instructor shall be submitted to the department on the appropriate application form provided by the department.

(3) The director or designee shall approve or disapprove instructor applications based upon criteria established by the commission.

(4) The director or designee shall approve only complete applications which meet the requirements of this chapter.

(5) Upon approval or disapproval the applicant will be so advised in writing by the department. Notification of disapproval shall include the reasons therefor.

(6) Approval shall expire two years after effective date of approval.

(7) Applicants shall identify on the application form the specific subject matter topic area or areas he or she proposes to teach.

[Statutory Authority: RCW 18.85.040 and The Governor's Order on Regulatory Improvement 97-02. 00-08-035, § 308-124H-510, filed 3/29/00, effective 7/1/00. Statutory Authority: RCW 18.85.040. 90-10-010, § 308-124H-510, filed 4/20/90, effective 8/1/90.]

WAC 308-124H-525 Application process for previously approved instructors. (1) If there are no changes in the original instructor approval application for a previously approved instructor, the instructor will be approved upon receipt of an instructor renewal form and payment of the required fee.

(2) If there are changes in an original instructor approval application for a previously approved instructor, the applica-

tion will not be processed as a renewal, and will require completion of an instructor approval application and payment of required fees.

(3) If an instructor renewal application or an instructor approval application is submitted at least thirty days prior to the current instructor expiration date, the previous instructor approval shall remain in effect until action to approve or disapprove the application is taken by the director.

[Statutory Authority: RCW 18.85.040 and The Governor's Order on Regulatory Improvement 97-02. 00-08-035, § 308-124H-525, filed 3/29/00, effective 7/1/00.]

WAC 308-124H-530 Certificate of instructor approval. Upon approval an instructor shall be issued a certificate of approval containing the instructor's name, date of approval, department identification number, and the subject matter topic areas that the instructor is approved to teach.

[Statutory Authority: RCW 18.85.040 and The Governor's Order on Regulatory Improvement 97-02. 00-08-035, § 308-124H-530, filed 3/29/00, effective 7/1/00. Statutory Authority: RCW 18.85.040. 90-10-010, § 308-124H-530, filed 4/20/90, effective 8/1/90.]

WAC 308-124H-540 Qualifications of instructors. Each instructor shall demonstrate competency based on guidelines established by the commission in the subject matter/topic that they propose to teach and shall be qualified in techniques of instruction.

Instructor qualifications in techniques of instruction shall be evidenced by one of the following:

(1) One hundred fifty classroom hours as an instructor within two years preceding application in courses acceptable to the director;

(2) Possession of the professional designation, DREI, from the Real Estate Educators Association (REEA);

(3) Successful completion of an instructor training course approved by the director upon recommendation of the commission and two years full-time experience in real estate or a related field within the five years immediately preceding the date of application;

(4) A bachelors or advanced degree in education and either two years teaching experience, or two years experience in real estate or a related field within the last five years;

(5) A current teaching certificate issued by an authorized governmental agency. The instruction must have been in a field allied to that which the instructor has applied to teach.

(6) At least ninety clock hours as an instructor in real estate within two years preceding the application;

(7) Ninety hours as an instructor at an institution of higher learning within two years preceding the application. The instruction must have been in a field allied to that which the instructor has applied to teach.

(8) Selection by a national or state association whose selection criteria have been approved by the director.

[Statutory Authority: RCW 18.85.040 and SB 6284. 95-03-012, § 308-124H-540, filed 1/5/95, effective 2/5/95. Statutory Authority: RCW 18.85.040, [18.85].085, [18.85].090 and [18.85].095. 91-07-029, § 308-124H-540, filed 3/14/91, effective 4/14/91. Statutory Authority: RCW 18.85.040. 90-10-010, § 308-124H-540, filed 4/20/90, effective 8/1/90.]

WAC 308-124H-550 Changes in instructors. Changes in course instructors may be made only if the substitute

instructors are currently approved to teach the course pursuant to WAC 308-124H-520.

[Statutory Authority: RCW 18.85.040. 90-10-010, § 308-124H-550, filed 4/20/90, effective 8/1/90.]

WAC 308-124H-551 Guest lecture(s) [lecturer(s)]—

Defined. A topic area expert(s) may be utilized as a guest lecturer to assist an approved instructor teach an approved course. The approved instructor is responsible for supervision of the approved course. Guest lecturer(s) shall not be utilized to circumvent the instructor approval requirements of this chapter.

[Statutory Authority: RCW 18.85.040 and The Governor's Order on Regulatory Improvement 97-02. 00-08-035, § 308-124H-551, filed 3/29/00, effective 7/1/00.]

WAC 308-124H-560 Disciplinary action—Procedures—Investigation. (1) The department shall have the authority, on its own motion or upon complaint made to it, to investigate or audit any instructor to determine compliance with chapter 18.85 RCW and with the rules and regulations of this chapter.

(2) Complaints concerning approved instructors should be made in writing to the department and contain the following information when appropriate:

- (a) The complainant's name, address, and telephone number;
- (b) School name, address, and telephone number;
- (c) Instructor(s) name;
- (d) Nature of complaint and facts detailing dates of attendance, termination date, date of occurrence, names, addresses and positions of school officials contacted, and any other pertinent information;

(e) An explanation of what efforts, if any, have been taken to resolve the problem with the school;

(f) Copies of pertinent documents, publications, and advertisements.

(3) All approved instructors shall be subject to periodic visits by an official representative of the department who shall observe classroom activities, evaluate course content and instructor proficiency to ensure that courses are being taught in accordance with the provisions set forth.

[Statutory Authority: RCW 18.85.040. 90-10-010, § 308-124H-560, filed 4/20/90, effective 8/1/90.]

WAC 308-124H-570 Grounds for denial or withdrawal of instructor approval. Approval may be denied or withdrawn if the instructor:

- (1) Has had any disciplinary action taken against his/her professional license in this or any other jurisdiction;
- (2) Falsified any student records or clock hour certificates;
- (3) Falsified any application or any other information required to be submitted to the department;
- (4) Attempted in any manner to discover, or to impart to any license candidate, the content of and/or answer to any real estate license examination question(s);
- (5) Violated any provision in chapter 18.85 RCW or the rules promulgated thereunder;
- (6) Failed to cooperate with the department in any investigation or hearing;

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(7) Has been convicted of a crime;

(8) Violated any of the provisions of any local, state, or federal antidiscrimination law;

(9) Continued to teach or offer any real estate subject matter whereby the interests of the public are endangered, after the director, by order in writing, stated objections thereto;

(10) Offered, sold, or awarded any clock hours without requiring the student to successfully complete the clock hours which the course was approved.

(11) Accepted registration fees and not supplied the service or failed to refund the fees within thirty days of not supplying the service;

(12) Represented in any manner that the school is associated with a "college" or "university" unless it meets the standards and qualifications of and has been approved by the state agency having jurisdiction;

(13) Represented that a school is recommended or endorsed by the state of Washington or by the department, provided that a school authorized to offer clock hours under this chapter may state: "This school is approved under chapter 18.85 RCW";

(14) Advertised, published, printed, or distributed false or misleading information;

(15) Solicited, directly or indirectly, information from applicants for a real estate license following the administration of any real estate examination to discover the content of and/or answer to any examination question or questions;

(16) Has failed to meet the requirements of this chapter;

(17) Failed to teach a course consistent with the approved course content or curriculum.

[Statutory Authority: RCW 18.85.040 and SB 6284. 95-03-012, § 308-124H-570, filed 1/5/95, effective 2/5/95. Statutory Authority: RCW 18.85.040. 90-10-010, § 308-124H-570, filed 4/20/90, effective 8/1/90.]

WAC 308-124H-580 Hearing procedure. Upon notice of disapproval or issuance of charges, a person is entitled to a hearing conducted in accordance with the Administrative Procedure Act, chapter 34.05 RCW, and the provisions of WAC 308-124-025, 308-124-035, and 308-124-045.

To exercise the right to a hearing under this section, a person must request a hearing within twenty days after receipt of the notice of disapproval or charges.

Any person aggrieved by a final decision of the director is entitled to judicial review under the provisions of the Administrative Procedure Act, chapter 34.05 RCW.

[Statutory Authority: RCW 18.85.040 and The Governor's Order on Regulatory Improvement 97-02. 00-08-035, § 308-124H-580, filed 3/29/00, effective 7/1/00. Statutory Authority: RCW 18.85.040. 90-10-010, § 308-124H-580, filed 4/20/90, effective 8/1/90.]

WAC 308-124H-800 Real estate course, school, and instructor approval fees. The following fees shall be charged for applications for approval of real estate courses, schools, and instructors. These fees shall be effective on and after July 1, 2000.

An application fee shall accompany each application. Approval, if granted, shall be two years from the date of approval. Applications submitted and disapproved may be resubmitted at no additional fee.

(1) Application for course content approval - a fee of \$5.00 per clock-hour credit being offered, with a minimum fee of \$50.00 per course. Except, the application fee for approval of the sixty clock-hour course in real estate fundamentals shall be \$150.00.

Courses approved prior to the effective date for this rule, need not apply for re-approval until the expiration of the current two-year approval period.

(2) Application for school approval - a fee of \$250.00.

(3) Application for instructor approvals:

(a) Approval to teach a specific course on one occasion - a fee of \$50.00;

(b) Approval to teach as many subject areas as requested at time of initial application - a fee of \$75.00. Approval shall be for two years from the approval date;

(c) Approval to teach additional subject area(s) not requested at time of initial application or renewal - a fee of \$25.00 for each application to teach additional subject area(s). Approval, if granted, shall be for remainder of two-year approval period.

Applications submitted under (a), (b) and (c) above, and disapproved may be resubmitted at no additional fee.

Instructors approved to teach a specific topic area prior to the effective date of this rule, need not apply for reapproval until the expiration of the current two-year approval period.

[Statutory Authority: RCW 18.85.040 and The Governor's Order on Regulatory Improvement 97-02. 00-08-035, § 308-124H-800, filed 3/29/00, effective 7/1/00. Statutory Authority: RCW 18.85.040 and SB 6284. 95-03-012, § 308-124H-800, filed 1/5/95, effective 2/5/95. Statutory Authority: RCW 18.85.040. 91-12-012, § 308-124H-800, filed 5/30/91, effective 6/30/91.]

Chapter 308-125 WAC REAL ESTATE APPRAISERS

WAC

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DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

308-125-035	State-certified residential classification. [Statutory Authority: RCW 18.140.030. 91-23-007, § 308-125-035, filed 11/7/91, effective 12/8/91.] Repealed by 93-17-020, filed 8/10/93, effective 9/10/93. Statutory Authority: RCW 18.140.030(1).
308-125-160	Waiver under RCW 18.140.080. [Statutory Authority: RCW 18.140.030. 91-04-074, § 308-125-160, filed 2/5/91, effective 3/8/91.] Repealed by 93-17-020, filed 8/10/93, effective 9/10/93. Statutory Authority: RCW 18.140.030(1).

WAC 308-125-010 Definitions. (1) Words and terms used in these rules shall have the same meaning as each has in the Certified Real Estate Appraiser Act, (chapter 18.140 RCW) and the Uniform Standards of Professional Appraisal Practice (USPAP).

(2) "Appraisal foundation" means a private association of appraiser professional organizations. The appraisal foundation develops appraisal standards which the regulatory agencies must use as minimum standards for federally related transactions and it develops qualification criteria for appraisers.

(3) "Appraisal subcommittee" means a committee created by Title XI. It monitors all activities related to the implementation of Title XI.

(4) "Appraisal standards board" means a board established by the appraisal foundation for the purpose of developing, publishing, interpreting and amending the *Uniform Standards of Professional Appraisal Practice*.

(5) "The *Uniform Standards of Professional Appraisal Practice* (USPAP)" means the current edition of the publication in force of the appraisal standards board (ASB) of the appraisal foundation. USPAP is the applicable standard for all appraisal practice in the state of Washington regulated under the provisions of chapter 18.140 RCW.

(6) "Appraiser qualifications board" means a board of the appraisal foundation for the purpose of developing, publishing, interpreting and amending the real property appraiser qualification criteria.

(7) "Real property appraiser qualification criteria" means the minimum criteria establishing the minimum education, experience and examination requirements for real property appraisers to obtain a state certification as established by the appraiser qualifications board (AQB) of the appraisal foundation under the provisions of Title XI of the Financial Institutions Reform, Recovery, and Enforcement Act (FIRREA) of 1989, and any additional qualifying criteria established by the director in accordance with chapter 18.140 RCW.

(8) "Classroom hour" means fifty minutes out of each sixty minute hour.

(9) "Full-time" means the equivalent twelve-month period in which an applicant works at least one thousand hours in real estate appraisal.

(10) "Required core curriculum" means a set of appraiser subject matter areas (known as "modules") that require a specified number of educational hours at each credential level as established by the appraiser qualifications board.

(11) "Module" means an appraisal subject matter area (and required hours of coverage) as identified in the required core curriculum.

(12) "Residential properties" means one to four single family residential units and lots where the highest and best use is for one to four family purposes.

(13) "Significant professional appraisal assistance" means the work contributed or performed toward the completion of an appraisal report by either a trainee, state-licensed, or state-certified appraiser, while under the direct supervision of a certified residential appraiser or certified general appraiser as required by the department as qualifying appraisal experience for licensing. Significant professional appraisal assistance shall consist of identifying and analyzing the scope of work, collection of data, analyzing data to derive an opinion of value, and writing the appraisal report in accordance with the *Uniform Standards of Professional Appraisal Practice*.

[Statutory Authority: RCW 18.140.030 (1), (7), (8), and (15). 06-06-069, § 308-125-010, filed 2/28/06, effective 4/1/06. Statutory Authority: RCW 18.140.030(1). 97-02-004, § 308-125-010, filed 12/20/96, effective 1/20/97. Statutory Authority: RCW 18.140.030(1) and 18.140.090. 95-17-078, § 308-125-010, filed 8/21/95, effective 9/21/95. Statutory Authority: RCW 18.140.030(1). 93-17-020, § 308-125-010, filed 8/10/93, effective 9/10/93. Statutory Authority: RCW 18.140.030 (1)(14) and chapter 18.40 RCW. 92-18-018, § 308-125-010, filed 8/24/92, effective 9/24/92. Statutory Authority: RCW 18.140.030. 91-04-074, § 308-125-010, filed 2/5/91, effective 3/8/91.]

WAC 308-125-020 Application process to take examination. (1) Any person desiring to take an examination for licensure or certification as a state-licensed or state-certified residential real estate appraiser, or as a state-certified general real estate appraiser, must submit a completed examination application with supporting documents and appropriate fee to the department of licensing, business and professions division, at its official address. After the qualifications for the examination have been verified by the department, the applicant shall submit the preapproved examination application, the request for examination and the appropriate fee to the testing service approved by the director.

(2) At the time of filing with the department, an application for a state license or certification, the applicant shall possess the requisite hours of verifiable real estate appraisal experience. Experience shall be acquired within the requisite time. Qualifying experience shall consist of significant professional appraisal assistance under the supervision of a certified appraiser within the boundaries of the state of Washington except as referenced in WAC 308-125-...

(3) An application and fee shall be valid for six months from receipt by the department. An applicant may correct any discrepancies in the application other than experience during this six-month period. After six months, if the applicant has not met the prerequisites to sit for the licensure or certification examination, the applicant must submit a new application with the appropriate fee.

(4) Dishonored checks will be considered as an incomplete application.

(5) An applicant shall forfeit all examination fees for any examination or examinations for which the applicant has applied and does not take for any reason, other than through the fault or mistake of the department of licensing or the approved testing agency.

[Statutory Authority: RCW 18.140.030 (1), (7), (8), and (15). 06-06-069, § 308-125-020, filed 2/28/06, effective 4/1/06. Statutory Authority: RCW 18.140.030(1). 97-02-004, § 308-125-020, filed 12/20/96, effective 1/20/97.

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Statutory Authority: RCW 18.140.030(1) and 18.140.090. 95-17-078, § 308-125-020, filed 8/21/95, effective 9/21/95. Statutory Authority: RCW 18.140.030(1). 93-17-020, § 308-125-020, filed 8/10/93, effective 9/10/93. Statutory Authority: RCW 18.140.030 (1)(14) and chapter 18.40 RCW. 92-18-018, § 308-125-020, filed 8/24/92, effective 9/24/92. Statutory Authority: RCW 18.140.030. 91-04-074, § 308-125-020, filed 2/5/91, effective 3/8/91.]

WAC 308-125-025 Application process to register as a real estate appraiser trainee. (1) As a prerequisite to registration, the applicant shall present evidence satisfactory to the director of successful completion of the appraiser qualifications board module of qualifying core curriculum of approved qualifying education modules:

- (a) Basic appraisal principles, thirty hours.
- (b) Basic appraisal procedures, thirty hours.
- (c) The National USPAP course or equivalent fifteen hours.

(2) Application for registration as a trainee from persons who have had either a real estate license or real estate appraiser license suspended or revoked shall not be accepted by the department until after the time period of the suspension or revocation has expired.

(3) An applicant for registration as a trainee shall present a completed registration form together with the appropriate fee and copies of core curriculum course completion certificates to the director prior to issuance of the approved trainee registration certificate.

(4) Registration as a trainee may be denied for unprofessional conduct as provided in RCW 18.235.130.

[Statutory Authority: RCW 18.140.030 (1), (7), (8), and (15). 06-06-069, § 308-125-025, filed 2/28/06, effective 4/1/06.]

WAC 308-125-030 Examination prerequisite general classification. The general real estate appraiser classification applies to the appraisal of all types of real property.

(1) As a prerequisite to taking the examination for certification as a state-certified general real estate appraiser, an applicant shall present evidence satisfactory to the director that he/she has successfully completed not less than one hundred eighty classroom hours of qualifying education as approved by the director. Each applicant must successfully complete a thirty classroom hour course in the basic principles of real estate appraising and a fifteen classroom hour course in the Uniform Standards of Professional Appraisal Practice as part of the one hundred eighty classroom hours of course work: Provided, That effective November 1, 2007, the required number of classroom hours is three hundred in the following core modules:

- (a) Basic appraisal principles, thirty hours.
- (b) Basic appraisal procedures, thirty hours.
- (c) The National USPAP course or equivalent, fifteen hours.
- (d) General appraiser market analysis and highest and best use, thirty hours.
- (e) Statistics, modeling and finance, fifteen hours.
- (f) General appraiser sales comparison approach, thirty hours.
- (g) General appraiser site valuation and cost approach, thirty hours.
- (h) General appraiser income approach, sixty hours.
- (i) General appraiser report writing and case studies, thirty hours.

(j) Appraisal subject matter electives, thirty hours.

(2) An original certification as a state-certified general real estate appraiser shall not be issued to any person who does not possess three thousand hours of appraisal experience obtained continuously over a period of not less than thirty months in Washington or in another state having comparable certification requirements.

(3) To fulfill the experience requirement, a candidate must have at least one thousand five hundred hours of nonresidential appraisal experience.

(4) Effective January 1, 2008, applicants for the certified general license must possess a bachelor's degree or higher in any field of study or, in lieu of the required degree, thirty semester credit hours covering the following subject matter courses:

- (a) English composition;
- (b) Principles of economics (micro or macro);
- (c) Finance;
- (d) Algebra, geometry or, higher mathematics;
- (e) Statistics;
- (f) Introduction to computers: Word processing/spreadsheets;
- (g) Business or real estate law; and
- (h) Two elective courses in accounting, geography, agricultural economics, business management, or real estate; as approved by the appraiser qualifications board and the director, in addition to the required qualifying core curriculum requirements.

[Statutory Authority: RCW 18.140.030 (1), (7), (8), and (15). 06-06-069, § 308-125-030, filed 2/28/06, effective 4/1/06. Statutory Authority: RCW 18.140.030(1). 97-02-004, § 308-125-030, filed 12/20/96, effective 1/20/97. Statutory Authority: RCW 18.140.030(1) and 18.140.090. 95-17-078, § 308-125-030, filed 8/21/95, effective 9/21/95. Statutory Authority: RCW 18.140.030(1). 93-17-020, § 308-125-030, filed 8/10/93, effective 9/10/93. Statutory Authority: RCW 18.140.030 (1)(14) and chapter 18.40 RCW. 92-18-018, § 308-125-030, filed 8/24/92, effective 9/24/92. Statutory Authority: RCW 18.140.030. 91-04-074, § 308-125-030, filed 2/5/91, effective 3/8/91.]

WAC 308-125-040 Examination prerequisite state-certified residential classification. The state-certified residential real estate appraiser classification applies to appraisals of all types of residential property of one to four units without regard to transaction value or complexity and nonresidential property having a transaction value less than two hundred fifty thousand dollars.

(1) As a prerequisite to taking the examination for certification as a state-certified residential real estate appraiser, an applicant shall present evidence satisfactory to the director that he/she has successfully completed not less than one hundred twenty classroom hours of qualifying education as approved by the director. Each applicant must successfully complete a thirty classroom hour course in the basic principles of real estate appraising and a fifteen classroom hour course in the Uniform Standards of Professional Appraisal Practice as part of the one hundred twenty classroom hours of course work: Provided, That effective January 1, 2007, the required number of classroom hours is two hundred in the following core modules:

- (a) Basic appraisal principles, thirty hours.
- (b) Basic appraisal procedures, thirty hours.
- (c) The National USPAP course or equivalent, fifteen hours.

(d) Residential market analysis and highest and best use, fifteen hours.

(e) Residential appraiser site valuation and cost approach, fifteen hours.

(f) Residential sales comparison and income approaches, thirty hours.

(g) Residential appraiser report writing and case studies, fifteen hours.

(h) Statistics, modeling and finance, fifteen hours.

(i) Advanced residential applications and case studies, fifteen hours.

(j) Appraisal subject matter electives, twenty hours.

(2) An original certification as a state-certified residential real estate appraiser shall not be issued to any person who does not possess two thousand five hundred hours of appraisal experience obtained continuously over a period of not less than twenty-four months in Washington or in another state having comparable certification requirements.

(3) Effective January 1, 2008, certified residential real estate appraiser applicants must possess an associate's degree or higher in any field of study or, in lieu of the required degree, twenty-one semester credit hours covering the following subject matter courses:

- (a) English composition;
 - (b) Principles of economics (micro or macro);
 - (c) Finance;
 - (d) Algebra, geometry or, higher mathematics;
 - (e) Statistics;
 - (f) Introduction to computers: Word processing/spreadsheets; and
 - (g) Business or real estate law;
- as approved by the appraiser qualifications board and the director, in addition to the required core curriculum.

[Statutory Authority: RCW 18.140.030 (1), (7), (8), and (15). 06-06-069, § 308-125-040, filed 2/28/06, effective 4/1/06. Statutory Authority: RCW 18.140.030(1). 97-02-004, § 308-125-040, filed 12/20/96, effective 1/20/97; 94-01-002, § 308-125-040, filed 12/1/93, effective 1/1/94; 93-17-020, § 308-125-040, filed 8/10/93, effective 9/10/93. Statutory Authority: RCW 18.140.030. 91-23-007, § 308-125-040, filed 11/7/91, effective 12/8/91; 91-04-074, § 308-125-040, filed 2/5/91, effective 3/8/91.]

WAC 308-125-045 Examination prerequisite state-licensed classification. The state-licensed real estate appraiser classification applies to appraisal of noncomplex one to four residential units having a transaction value less than one million dollars and complex one to four residential units having a transaction value less than two hundred fifty thousand dollars and nonresidential property having a transaction value less than two hundred fifty thousand dollars.

(1) As a prerequisite to taking the examination for certification as a state-licensed real estate appraiser, an applicant shall present evidence satisfactory to the director that he/she has successfully completed not less than ninety classroom hours of courses in qualifying education as approved by the director. Each applicant must successfully complete a thirty classroom hour course in the basic principles of real estate appraising and a fifteen classroom hour course in the Uniform Standards of Professional Appraisal Practice as part of the seventy-five classroom hours of course work: Provided, That effective January 1, 2007, the required number of classroom hours is one hundred fifty in the following core modules:

- (a) Basic appraisal principles, thirty hours.
 - (b) Basic appraisal procedures, thirty hours.
 - (c) The National USPAP course or equivalent, fifteen hours.
 - (d) Residential market analysis and highest and best use, fifteen hours.
 - (e) Residential appraiser site valuation and cost approach, fifteen hours.
 - (f) Residential sales comparison and income approaches, thirty hours.
 - (g) Residential appraiser report writing and case studies, fifteen hours.
- (2) An original certification as a state-licensed real estate appraiser shall not be issued to any person who does not possess two thousand hours of appraisal experience obtained continuously over a period of not less than twenty-four months in Washington or in another state having comparable certification requirements.

[Statutory Authority: RCW 18.140.030 (1), (7), (8), and (15). 06-06-069, § 308-125-045, filed 2/28/06, effective 4/1/06. Statutory Authority: RCW 18.140.030(1). 97-02-004, § 308-125-045, filed 12/20/96, effective 1/20/97; 93-17-020, § 308-125-045, filed 8/10/93, effective 9/10/93. Statutory Authority: RCW 18.140.030. 91-23-007, § 308-125-045, filed 11/7/91, effective 12/8/91.]

WAC 308-125-050 Educational courses—Preexamination. (1) To be accepted under WAC 308-125-030(1), 308-125-040(1), and 308-125-045(1), courses must:

- (a) Be a minimum of fifteen classroom hours in length;
- (b) Include an examination;
- (c) Be directly related to real estate appraising;
- (d) Be approved by the director as identified in the appraiser program's publication *Approved Courses, Real Estate Appraisers*; or
- (e) Be approved by the appraiser qualifications board and approved by the director.

(2) The following limitations may apply to course work submitted to the department for approval:

(a) A correspondence course may be acceptable to meet classroom hour requirements only if each course meets the following conditions:

(i) The course has been presented by an accredited college or university which offers correspondence courses in other disciplines;

(ii) An individual successfully completes a written examination administered at a location by an official approved by the college or university; or

(iii) The content and length of the course meet the requirements for real estate appraisal-related courses established by the appraiser qualifications board and approved by the director.

(b) Video and remote television educational courses may be used to meet the classroom hour requirements only if each course meets the following conditions:

(i) The course has been presented by an accredited college or university which offers similar courses in other disciplines;

(ii) An individual successfully completes a written examination administered at a location by an official approved by the college or university; or

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(iii) The content and length of the course meet the requirements for real estate appraisal-related courses established by the appraiser qualifications board and approved by the director.

(c) An applicant shall not receive "dual credit" for courses that have the same or very similar content and are deemed comparable by the department, even if an applicant completes the courses through different course providers.

(3) Copies of official transcript of college records or certificates of course completion will be considered as satisfactory evidence for education requirements.

(4) Preexamination review seminars or examination preparation seminars will not be approved for clock hour credit.

(5) An application shall be submitted for approval not less than ninety days preceding the course start date. Course approval expiration shall be three years from the date of approval, except for the Uniform Standards of Professional Appraisal Practice courses or seminars having a definite date.

(6) All courses approved by the appraiser qualifications board will continue to be accepted by the department as approved courses until the expiration date.

(7) Appraisal course providers who have received the appraiser qualifications board's course approval are not required to submit course material or content materials to the department for approval. The course provider shall submit a secondary provider course content approval application to the department.

[Statutory Authority: RCW 18.140.030 (1), (7), (8), and (15). 06-06-069, § 308-125-050, filed 2/28/06, effective 4/1/06. Statutory Authority: RCW 18.140.030(1). 97-02-004, § 308-125-050, filed 12/20/96, effective 1/20/97; 93-17-020, § 308-125-050, filed 8/10/93, effective 9/10/93. Statutory Authority: RCW 18.140.030. 91-04-074, § 308-125-050, filed 2/5/91, effective 3/8/91.]

WAC 308-125-060 Alternate to classroom hours, requirement preexamination. An applicant may receive education credit by achieving a passing score on an examination that is identical to that administered upon completion of an educational offering approved by the director. This refers to those instances where the examination is challenged without attendance at the offering. Credit for the examination must be obtained by July 1, 1990.

[Statutory Authority: RCW 18.140.030(1). 93-17-020, § 308-125-060, filed 8/10/93, effective 9/10/93. Statutory Authority: RCW 18.140.030. 91-04-074, § 308-125-060, filed 2/5/91, effective 3/8/91.]

WAC 308-125-065 Education credit for teachers of approved real estate appraisal courses. (1) An applicant may receive education credit for teaching an approved real estate appraisal course. One hour of education credit for each hour of teaching an approved real estate appraisal course shall be given.

(2) Once an applicant has received credit for teaching an approved real estate appraisal course, an applicant shall not receive credit for teaching that course or any substantially similar course on any subsequent occasion.

[Statutory Authority: RCW 18.140.030 (1), (7), (8), and (15). 06-06-069, § 308-125-065, filed 2/28/06, effective 4/1/06. Statutory Authority: RCW 18.140.030(1). 97-02-004, § 308-125-065, filed 12/20/96, effective 1/20/97; 93-17-020, § 308-125-065, filed 8/10/93, effective 9/10/93.]

WAC 308-125-070 Experience requirements. (1) A minimum of two years (twenty-four months) full-time experience within five years of application is required for the state licensed and certified residential appraiser. Certified general applicants must accumulate three thousand hours within a minimum of thirty months and a maximum of seven years. However, no more than one thousand five hundred hours may be credited in any consecutive twelve months for any of the licensing categories.

(2) Any work product claimed for experience credit dated January 1, 1990, and later shall conform to the Uniform Standards of Professional Appraisal Practice in effect at the time the appraisal is completed.

(a) Reports shall be in writing.

(b) An appraisal work file must be available to the director to substantiate work performed.

(3) The department may request appraiser work files to verify, confirm, or compare entries made on the experience log. Failure to provide work files to the department upon its request may disqualify the reports as qualifying experience.

(4) An applicant for certification or license shall certify, under penalty of perjury, the completion of the required experience.

(5) Appraisal work qualifying for appraisal experience includes, but is not limited to, the following: Fee and staff appraisal, ad valorem tax appraisal, appraisal review, appraisal analysis, appraisal consulting, highest and best use analysis, feasibility analysis/study.

(6) The department may require a supervisory appraiser to certify, under penalty of perjury, the applicant's work experience.

(7) The department may request written reports or work files to verify an applicant's experience.

[Statutory Authority: RCW 18.140.030 (1), (7), (8), and (15). 06-06-069, § 308-125-070, filed 2/28/06, effective 4/1/06. Statutory Authority: RCW 18.140.030(1). 97-02-004, § 308-125-070, filed 12/20/96, effective 1/20/97. Statutory Authority: RCW 18.140.030(1) and 18.140.090. 95-17-078, § 308-125-070, filed 8/21/95, effective 9/21/95. Statutory Authority: RCW 18.140.030(1). 93-17-020, § 308-125-070, filed 8/10/93, effective 9/10/93. Statutory Authority: RCW 18.140.030 (1)(14) and chapter 18.40 RCW. 92-18-018, § 308-125-070, filed 8/24/92, effective 9/24/92. Statutory Authority: RCW 18.140.030. 91-04-074, § 308-125-070, filed 2/5/91, effective 3/8/91.]

WAC 308-125-075 Allowed credits for appraisal experience. (1) The department shall not grant to state-licensed or state-certified appraisers and applicants experience credits for appraisal experience that exceeds the following hourly allotments for each appraisal:

(a) Single family residential - exterior form report	6 hours
(b) Single family residential - form report	12 hours
(c) Multifamily residential - form report	20 hours
(d) Residential lot 1 acre or less	8 hours
(e) Land tract less than or equal to 40 acres	16 hours
(f) Short plats	20 hours
(g) Land tract 41-160 acres	24 hours
(h) Land tract 161-640+ acres	36 hours
(i) Subdivisions	60 hours
(j) Commercial/industrial land	25 hours
(k) Commercial - form report	40 hours
(l) Commercial - narrative report	80 hours
(m) Regional mall/high rise office bldg./Hotel	120 hours

(n) Appraisal review (single family) (not applicable to trainees)	12 hours
(o) Appraisal review (commercial) (not applicable to trainees)	40 hours
(p) Feasibility study	80 hours
(q) Appraisal consulting (nonresidential)	40 hours
(r) Agricultural	60 hours

(2) The department shall not grant to state-licensed or state-certified appraisers and applicants experience credits for Eminent Domain Appraisals that exceed the following hourly allotments for each appraisal:

(a) Vacant (single family lot)	24 hours
(b) Vacant (large land tract)	32 hours
(c) Single family residential	42 hours
(d) Multifamily residential	60 hours
(e) Agricultural (improved)	72 hours
(f) Industrial (improved)	72 hours
(g) Commercial (improved)	72 hours
(h) Very complex damages or benefits	120 hours
(i) Special purpose improved	54 hours

(3) The department shall not grant to state-licensed or state-certified appraisers and applicants experience credits for Eminent Domain Appraisal Reviews that exceed the following hourly allotments for each appraisal:

(a) Vacant (single family lot)	8 hours
(b) Vacant (large land tract)	12 hours
(c) Single family residential	16 hours
(d) Multifamily residential	24 hours
(e) Agricultural (improved)	40 hours
(f) Industrial (improved)	40 hours
(g) Commercial (improved)	40 hours
(h) Very complex damages or benefits	50 hours
(i) Special purpose improved	40 hours

(4) Experience credits for appraisal experience not listed in subsections (1), (2), or (3) shall be determined by the department on a case-by-case basis.

[Statutory Authority: RCW 18.140.030 (1), (7), (8), and (15). 06-06-069, § 308-125-075, filed 2/28/06, effective 4/1/06. Statutory Authority: RCW 18.140.030(1). 97-02-004, § 308-125-075, filed 12/20/96, effective 1/20/97; 94-15-058, § 308-125-075, filed 7/18/94, effective 8/18/94.]

WAC 308-125-080 Application for certification. (1) Upon receipt of notice of passage of the examination, applicants must submit a complete original certification application with the certification fee to the department of licensing, business and professions division, at its official address. The department will verify qualifications under chapter 18.140 RCW and the rules promulgated thereunder.

(2) Each original and renewal certificate issued under RCW 18.140.130 shall expire on the applicant's second birthday following issuance of the certificate.

[Statutory Authority: RCW 18.140.030(1). 97-02-004, § 308-125-080, filed 12/20/96, effective 1/20/97. Statutory Authority: RCW 18.140.030 (1)(14) and chapter 18.40 RCW. 92-18-018, § 308-125-080, filed 8/24/92, effective 9/24/92. Statutory Authority: RCW 18.140.030. 91-04-074, § 308-125-080, filed 2/5/91, effective 3/8/91.]

WAC 308-125-085 Temporary practice. (1) A real estate appraiser from another state who is licensed or certified

by another state may apply for registration to receive temporary licensing or certification in Washington by paying a fee, providing a license history, and filing an application with the department on a form provided by the department.

(2) Licensing and certification privileges granted under the provisions of this section shall expire six months from issuance. Licensing or certification shall not be renewed. However, an applicant may receive an extension of a temporary practice permit to complete an assignment, provided that a written request is received by the department prior to the expiration date, stating the reason for the extension.

(3) Persons granted temporary licensing or certification privileges under this section shall not advertise or otherwise hold themselves out as being licensed or certified by the state of Washington.

(4) Persons granted temporary licensure or certification are subject to all provisions under this chapter. A temporary permit issued under this section allows an appraiser to perform independent appraisal services required by a contract for appraisal services submitted to the department with the application for temporary permit.

[Statutory Authority: RCW 18.140.030(1), 18.140.155(2), 02-10-022, § 308-125-085, filed 4/23/02, effective 5/24/02. Statutory Authority: RCW 18.140.030(1), 97-02-004, § 308-125-085, filed 12/20/96, effective 1/20/97; 93-17-020, § 308-125-085, filed 8/10/93, effective 9/10/93. Statutory Authority: RCW 18.140.030 (1)(14) and chapter 18.40 RCW. 92-18-018, § 308-125-085, filed 8/24/92, effective 9/24/92.]

WAC 308-125-090 Continuing education required.

(1) As a prerequisite to renewal of certification or licensure, the holder of a certificate or license shall present evidence satisfactory to the director of successful completion of the continuing education requirements of this section.

(2) The continuing education requirements for renewal of certification or licensure shall be the completion by the applicant of twenty-eight hours of instruction in courses or seminars which have received the approval of the director. Courses must be completed within the term of certification or licensure immediately preceding renewal. An applicant shall not receive credit in consecutive renewals for courses that have the same or very similar content and are deemed comparable by the department. The holder of a certificate or license will present evidence of successful completion of the seven-hour National USPAP update course or its equivalent.

(3) In order for courses or seminars to be accepted under subsection (2) of this section, the course or seminar must be a minimum of two hours in length and be directly related to real estate appraising. However, a maximum of one-half of the continuing education hours required for renewal can be in two-hour seminars or courses.

(4) An examination is not required for courses or seminars taken for continuing education classroom hours.

(5) The requirement under subsection (2) of this section may be met by participation other than as a student in educational process and programs approved by the director including teaching, program development, and authorship of textbooks and other written instructional materials.

(6) Courses or seminars taken to satisfy the continuing education requirement for general real estate appraisers, should include coverage of real estate appraisal related topics, such as:

- (a) Ad valorem taxation.
 - (b) Arbitrations.
 - (c) Business courses related to practice of real estate appraisal.
 - (d) Construction estimating.
 - (e) Ethics and standards of professional practice.
 - (f) Land use planning, zoning, and taxation.
 - (g) Management, leasing, brokerage, timesharing.
 - (h) Property development.
 - (i) Real estate appraisal (valuations/evaluations).
 - (j) Real estate financing and investment.
 - (k) Real estate law.
 - (l) Real estate litigation.
 - (m) Real estate related computer applications.
 - (n) Real estate securities and syndication.
 - (o) Real property exchange.
 - (p) Such other presentations approved by the director.
- (7) Courses or seminars taken to satisfy the continuing education requirement for residential real estate appraisers should include coverage of real estate appraisal related topics, such as:

- (a) Ad valorem taxation.
 - (b) Business courses related to practice of real estate appraisal.
 - (c) Construction estimation.
 - (d) Ethics and standards of professional practice.
 - (e) Land use planning, zoning, taxation.
 - (f) Property development.
 - (g) Real estate financing and investment.
 - (h) Real estate law.
 - (i) Real estate related computer applications.
 - (j) Real estate securities and syndication.
 - (k) Real property exchange.
 - (l) Real estate feasibility and marketability studies.
 - (m) Such other presentations approved by the director.
- (8) Courses or seminars taken to satisfy the continuing education requirement for licensed real estate appraisers should include coverage of real estate appraisal related topics, such as:

- (a) Ad valorem taxation.
 - (b) Arbitration.
 - (c) Business courses related to practice of real estate appraisal.
 - (d) Construction estimating.
 - (e) Ethics and standards of professional practice.
 - (f) Land use planning, zoning, and taxation.
 - (g) Management, leasing brokerage, timesharing.
 - (h) Property development.
 - (i) Real estate appraisal (valuations/evaluations).
 - (j) Real estate law.
 - (k) Real estate litigation.
 - (l) Real estate financing and investment.
 - (m) Real estate appraisal related computer applications.
 - (n) Real estate securities and syndication.
 - (o) Real property exchange.
 - (p) Such other presentations approved by the director.
- (9) The director may approve continuing education credit for attendance at the real estate appraiser commission meeting of no more than two hours.

[Statutory Authority: RCW 18.140.030 (1), (7), (8), and (15), 06-06-069, § 308-125-090, filed 2/28/06, effective 4/1/06. Statutory Authority: RCW

18.140.030(8). 03-14-091, § 308-125-090, filed 6/30/03, effective 7/31/03; 99-11-039, § 308-125-090, filed 5/14/99, effective 6/14/99. Statutory Authority: RCW 18.140.030(1). 97-02-004, § 308-125-090, filed 12/20/96, effective 1/20/97; 93-17-020, § 308-125-090, filed 8/10/93, effective 9/10/93. Statutory Authority: RCW 18.140.030. 91-04-074, § 308-125-090, filed 2/5/91, effective 3/8/91.]

WAC 308-125-095 Responsibilities of the appraiser supervisor. (1) A certified real estate appraiser licensed by the state of Washington may supervise trainees in accordance with the following provisions:

(a) Not more than three real estate appraiser trainees may be supervised in accordance with the appraiser qualifications board standards unless written authorization by the department is granted to exceed that number of trainees at any one time.

(b) Supervision of trainees in the process of appraising real property shall occur within the boundaries of the state of Washington and comply with jurisdictional and established agreements with other states. If a trainee is supervised by a certified appraiser who is licensed in both the state of Washington and with another state or has a temporary license in another state; and the trainee is registered as a trainee in that other state by either temporary permit, license, or registration, then the appraisal assignments shall qualify as work experience on the experience log.

(c) Authorization to exceed supervision of three trainees may be granted by the director upon approval of a written request and under the provisions of subsection (2) of this section.

(d) A registered real estate appraiser trainee may assist in the completion of an appraisal report, including determination of an opinion of value and may sign the appraisal report, provided that he/she is actively and personally supervised by a state-certified real estate appraiser, and provided that the appraisal report is reviewed and signed by the state-certified real estate appraiser; and provided the state-certified appraiser accepts total responsibility for the appraisal report.

(e) The certified appraiser shall:

(i) Personally inspect with the trainee, at a minimum, the interior of twenty-five subject properties.

(ii) Personally review and verify each appraisal report prepared by the trainee as entered on the trainee experience log as qualifying work experience prior to the log being submitted to the department by the supervised trainee.

(iii) Personally review and verify each appraisal report prepared by a state licensed or certified residential appraiser as entered on the qualifying work experience log prior to the log being submitted to the department by the licensee.

(iv) Comply with all USPAP requirements.

(v) Maintain a separate "properties inspected with trainee" log for each supervised trainee. This log must be made available to the department upon request and is to be submitted with trainee's application for license or certification.

(2) Authorization may be granted by the director to a certified appraiser to exceed the number of trainees allowed to be supervised providing:

(a) The certified appraiser has more than five years certified experience.

(b) The certified appraiser shall make a written application to the department requesting to supervise not more than

three trainees with less than one year experience; and three trainees with more than one year experience; and five trainees with greater than two years experience. The total number of supervised trainees shall not exceed eight for all experience levels at any one time.

(c) The certified appraiser shall prepare and maintain trainee progress reports and make them available to the department until such time as the trainee becomes certified or licensed or after two years has lapsed since supervising the trainee.

(d) The certified appraiser shall provide to the department a mentoring plan for consideration prior to the department authorizing supervision of more than three trainees.

[Statutory Authority: RCW 18.140.030 (1), (7), (8), and (15). 06-06-069, § 308-125-095, filed 2/28/06, effective 4/1/06.]

WAC 308-125-100 Course approval requirements.

(1) For purpose of this section prior to July 1, 1992, the director will approve the following courses required prerequisite to sitting for the examination: Provided, That courses must satisfy the requirements of WAC 308-125-050.

(a) Courses offered at college or universities, vocational-technical schools, community colleges, and other state or federal agencies will be accepted by the director;

(b) Courses offered by other providers such as real estate appraisal or real estate organizations or proprietary schools must be reviewed and approved by the director.

(2) For purposes of this section, after July 1, 1992, the director will approve the following courses required prerequisite to sitting for the examination and continuing education: Provided, That courses must satisfy the requirements of WAC 308-125-030, 308-125-040, 308-125-045, 308-125-050, and 308-125-090:

(a) Courses taken at colleges or universities, vocational-technical schools, community colleges, and state or federal agencies will be accepted by the director;

(b) Courses offered by other providers such as real estate appraisal or real estate organizations or proprietary schools must be reviewed and approved by the director: Provided, That all courses offered by providers under this subsection after July 1, 1992, must be preapproved by the director in order to qualify.

(3) Copies of official transcripts of college records or certificates of completion will be considered as satisfactory evidence for education requirements.

[Statutory Authority: RCW 18.140.030(1). 93-17-020, § 308-125-100, filed 8/10/93, effective 9/10/93. Statutory Authority: RCW 18.140.030. 91-04-074, § 308-125-100, filed 2/5/91, effective 3/8/91.]

WAC 308-125-110 Business location and/or physical address and mailing address. It is the responsibility of each applicant state-certified and licensed real estate appraiser, and registered real estate appraiser trainee to notify the department of a change of business location and/or physical and mailing address for receiving certified mail and service documents. Change of address notification shall be made within ten days of the change of address. If appraisal work files are stored at another location from the appraiser's place of business then such location shall be reported to the director upon request.

[Statutory Authority: RCW 18.140.030 (1), (7), (8), and (15). 06-06-069, § 308-125-110, filed 2/28/06, effective 4/1/06. Statutory Authority: RCW 18.140.030(1). 93-17-020, § 308-125-110, filed 8/10/93, effective 9/10/93. Statutory Authority: RCW 18.140.030. 91-04-074, § 308-125-110, filed 2/5/91, effective 3/8/91.]

WAC 308-125-120 Fees and charges. The following fees shall be paid under the provisions of chapter 18.140 RCW:

Title of Fee	Fee
(1) Application for examination	\$246.00
(2) Examination	106.00**
(3) Reexamination	106.00**
(4) Original certification	206.00*
(5) Certification renewal	407.00*
(6) Late renewal penalty	38.00
(7) Duplicate certificate	28.00
(8) Certification history record	27.00
(9) Application for reciprocity	246.00
(10) Original certification via reciprocity	206.00*
(11) Temporary practice	150.00
(12) Trainee registration	100.00
(13) Trainee registration renewal	100.00

* Proposed fees for these categories marked with an asterisk include an estimated \$25.00 to be submitted by the state to Federal Government. Title XI, SEC. 1109 requires each state to submit a roster listing of state certified appraisers to the Appraiser Subcommittee "no less than annually." The state is also required to collect from such individuals who perform appraisals in federally related transactions, an annual registry fee of "not more than \$50," such fees to be transmitted by the state to the federal government on an annual basis.

** Charges for categories marked with a double asterisk are determined by contract with an outside testing service.

[Statutory Authority: RCW 18.140.030 (1), (7), (8), and (15). 06-06-069, § 308-125-120, filed 2/28/06, effective 4/1/06. Statutory Authority: RCW 43.24.086. 02-03-011, § 308-125-120, filed 1/4/02, effective 5/1/02; 99-04-075, § 308-125-120, filed 2/2/99, effective 3/5/99; 97-21-077, § 308-125-120, filed 10/17/97, effective 1/1/98; 97-16-042, § 308-125-120, filed 7/31/97, effective 8/31/97. Statutory Authority: RCW 18.140.030(1). 97-02-004, § 308-125-120, filed 12/20/96, effective 1/20/97. Statutory Authority: RCW 18.140.030 (1)(14) and chapter 18.40 RCW. 92-18-018, § 308-125-120, filed 8/24/92, effective 9/24/92. Statutory Authority: RCW 18.140.030. 91-04-074, § 308-125-120, filed 2/5/91, effective 3/8/91.]

WAC 308-125-130 Application, certification, licensure, and reexamination. (1) An applicant who has satisfied the prerequisite to sit for the licensure or certification examination must complete the examination within six months of approval date by the department.

(2) Any applicant who has passed the licensure or certification examination must become licensed or certified within six months from the date of such examination. Failure to comply with this provision will necessitate the submission of a new application, application fee, and the taking and passing of another examination prior to licensure or certification.

(3) An applicant who has failed the examination, or failed to appear for a scheduled examination, may apply for reexamination provided the required reexamination fee is submitted. The examination approval notice shall be valid for reexamination for a period of no more than six months after date of issuance.

[Statutory Authority: RCW 18.140.030(1). 93-17-020, § 308-125-130, filed 8/10/93, effective 9/10/93. Statutory Authority: RCW 18.140.030 (1)(14) and chapter 18.40 RCW. 92-18-018, § 308-125-130, filed 8/24/92, effective 9/24/92. Statutory Authority: RCW 18.140.030. 91-04-074, § 308-125-130, filed 2/5/91, effective 3/8/91.]

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WAC 308-125-140 Passing exam score. A minimum scaled score of seventy is required to pass the real estate appraiser examination.

[Statutory Authority: RCW 18.140.030(1). 93-17-020, § 308-125-140, filed 8/10/93, effective 9/10/93. Statutory Authority: RCW 18.140.030. 91-04-074, § 308-125-140, filed 2/5/91, effective 3/8/91.]

WAC 308-125-150 Examination procedures. (1) Each applicant will be required to present one piece of positive identification which bears a photograph of the applicant. In the event the applicant has no photo identification, the applicant will be required to make prior arrangements with the licensing unit not later than ten working days prior to the examination. Failure to produce the required identification will result in the applicant being refused admission to the examination.

(2) Applicants will be required to refrain from talking to other examinees during the examination unless specifically directed or permitted to do so by a test monitor. Any applicant observed talking or attempting to give or receive information, using unauthorized materials during any portion of the examination, or removing test booklets and/or notes from the testing room will be subject to denial of a certification.

(3) Applicants who participate in disruptive behavior during the examination will be required to turn in their test materials to the test monitor and leave the examination site. Their opportunity to sit for the examination will be forfeited. Their answer sheet will be voided. A voided answer sheet will not be scored and the examination fee will not be refunded. A candidate must then reapply to take the examination.

[Statutory Authority: RCW 18.140.030. 91-04-074, § 308-125-150, filed 2/5/91, effective 3/8/91.]

WAC 308-125-170 Exceptions to chapter 18.140 RCW. No exceptions will be allowed to the requirements of chapter 18.140 RCW except as provided by statute or rule.

[Statutory Authority: RCW 18.140.030. 91-04-074, § 308-125-170, filed 2/5/91, effective 3/8/91.]

WAC 308-125-180 Reciprocity. A person licensed or certified as a real estate appraiser under the rules or laws of another state may obtain certification in the state of Washington when the following condition is met:

The state in which the appraiser is licensed or certified has an appraiser licensure or certification program which meets federal guidelines and the state has a written reciprocal agreement with the state of Washington.

A person seeking licensure or certification under this section must provide a statement from the state in which the person is licensed or certified establishing licensure or certification.

[Statutory Authority: RCW 18.140.030(1). 97-02-004, § 308-125-180, filed 12/20/96, effective 1/20/97; 93-17-020, § 308-125-180, filed 8/10/93, effective 9/10/93. Statutory Authority: RCW 18.140.030. 91-04-074, § 308-125-180, filed 2/5/91, effective 3/8/91.]

WAC 308-125-190 Examination required—Scope. The director shall approve an examination for licensure and certification of real estate appraisers. This examination may be prepared and administered within a state agency, or the

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director may request bids for contracts to prepare and administer the exam. Such requests for proposals shall be done in accordance with the state law.

(1) The director will determine the scope of the examination and provide information concerning the scope of the examination to an individual upon request.

(2) If the director determines to seek proposals for testing services, the director will establish criteria for evaluating the proposals.

[Statutory Authority: RCW 18.140.030(1), 93-17-020, § 308-125-190, filed 8/10/93, effective 9/10/93. Statutory Authority: RCW 18.140.030, 91-04-074, § 308-125-190, filed 2/5/91, effective 3/8/91.]

WAC 308-125-200 Standards of practice. (1) The standard of practice governing real estate appraisal activities will be the edition of the Uniform Standards of Professional Appraisal Practice of the Appraisal Foundation in effect on the date of the appraisal report. A copy of the Uniform Standards of Professional Appraisal Practice is available for review and inspection at the office of the Real Estate Appraiser Unit Office, Olympia, Washington. The Uniform Standards of Professional Appraisal Practice is a copyright document. Copy of the full text may be obtained from the Appraisal Foundation at The Appraisal Foundation, P.O. Box 96734, Washington, DC 20090-6734.

(2) Expert review appraisers as defined by RCW 18.140.010(11) while performing expert reviews pursuant to chapter 18.140 RCW are required to comply with the Uniform Standards of Professional Appraisal Practice, Standard 3 review provisions while performing expert reviews for the director.

[Statutory Authority: RCW 18.140.030 (1), (7), (8), and (15). 06-06-069, § 308-125-200, filed 2/28/06, effective 4/1/06. Statutory Authority: RCW 18.140.030 (1) and (13). 05-05-097, § 308-125-200, filed 2/16/05, effective 3/19/05. Statutory Authority: RCW 18.140.030(1) and 18.235.030(1). 04-04-052, § 308-125-200, filed 1/30/04, effective 3/1/04. Statutory Authority: RCW 18.140.030 (16), (17). 03-02-040, § 308-125-200, filed 12/24/02, effective 1/24/03; 02-03-012, § 308-125-200, filed 1/4/02, effective 2/4/02. Statutory Authority: [RCW 18.140.030 (16), (17) and chapter 18.140 RCW.] 00-23-038, § 308-125-200, filed 11/9/00, effective 12/10/00. Statutory Authority: RCW 43.24.086. 00-04-057, § 308-125-200, filed 1/28/00, effective 2/28/00; 99-04-074, § 308-125-200, filed 2/2/99, effective 3/5/99; 98-17-083, § 308-125-200, filed 8/18/98, effective 9/18/98. Statutory Authority: RCW 18.140.030. 91-04-074, § 308-125-200, filed 2/5/91, effective 3/8/91.]

WAC 308-125-210 Required records—Accessibility of records to the department of licensing. All appraisers certified or licensed under chapter 18.140 RCW must retain records required by the Uniform Standards of Professional Appraisal Practice for a minimum of five years or at least two years after final disposition of any judicial proceeding in which the appraiser provided testimony related to the assignment, whichever period expires last. Such records will be subject to random audit by the department without notice and must be readily available for inspection by a representative of the department.

[Statutory Authority: RCW 18.140.030 (1), (7), (8), and (15). 06-06-069, § 308-125-210, filed 2/28/06, effective 4/1/06. Statutory Authority: RCW 18.140.030(1), 93-17-020, § 308-125-210, filed 8/10/93, effective 9/10/93. Statutory Authority: RCW 18.140.030. 91-04-074, § 308-125-210, filed 2/5/91, effective 3/8/91.]

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WAC 308-125-225 Meetings—Notice. The real estate appraiser commission meets at the call of the director. Regular meetings are scheduled in February, May, August and November on the third Friday. Department requirements may necessitate altering scheduled meetings in accordance with RCW 42.30.075. Special meetings are in accordance with RCW 42.30.080.

[Statutory Authority: RCW 18.140.030 (1), (7), (8), and (15). 06-06-069, § 308-125-225, filed 2/28/06, effective 4/1/06. Statutory Authority: RCW 18.140.030(1), 93-17-020, § 308-125-225, filed 8/10/93, effective 9/10/93.]

Chapter 308-127 WAC TIMESHARE

WAC

308-127-035	Definitions.
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308-127-110	Disclosure documents—Projects already registered in foreign jurisdictions.
308-127-120	Financial information requirements.
308-127-130	Disclosure of number of intervals to be sold to persons residing in the state of Washington.
308-127-140	Expiration and renewal of timeshare offering registration.
308-127-160	Fees.
308-127-200	Activities requiring registration as a timeshare salesperson.
308-127-210	Relationship of timeshare promoters and salespersons and real estate brokers and salespersons.
308-127-225	Original application, renewal, termination, and fees for a timeshare salesperson registration.
308-127-300	Impoundment.
308-127-310	Application of brief adjudicative proceedings.
308-127-320	Preliminary record in brief adjudicative proceedings.
308-127-330	Conduct of brief adjudicative proceedings.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

308-127-010	Promulgation—Authority. [Statutory Authority: 1983 1st ex.s. c 22 § 26. 83-24-057 (Order 733 DOL), § 308-127-010, filed 12/6/83.] Repealed by 90-07-023, filed 3/14/90, effective 4/14/90. Statutory Authority: RCW 43.24.086.
308-127-020	Organization. [Statutory Authority: 1983 1st ex.s. c 22 § 26. 83-24-057 (Order 733 DOL), § 308-127-020, filed 12/6/83.] Repealed by 90-07-023, filed 3/14/90, effective 4/14/90. Statutory Authority: RCW 43.24.086.
308-127-030	Definitions. [Statutory Authority: 1983 1st ex.s. c 22 § 26. 83-24-057 (Order 733 DOL), § 308-127-030, filed 12/6/83.] Repealed by 90-07-023, filed 3/14/90, effective 4/14/90. Statutory Authority: RCW 43.24.086.
308-127-100	Exemptions from registration. [Statutory Authority: 1983 1st ex.s. c 22 §§ 2 and 26. 83-24-057 (Order 733 DOL), § 308-127-100, filed 12/6/83.] Repealed by 90-07-023, filed 3/14/90, effective 4/14/90. Statutory Authority: RCW 43.24.086.
308-127-150	Application of four dollars per interval fee. [Statutory Authority: 1983 1st ex.s. c 22 § 26. 83-24-057 (Order 733 DOL), § 308-127-150, filed 12/6/83.] Repealed by 88-15-017 (Order PM 749), filed 7/11/88. Statutory Authority: RCW 64.36.081.
308-127-155	Fees. [Statutory Authority: RCW 64.36.081. 88-15-017 (Order PM 749), § 308-127-155, filed 7/11/88.] Repealed by 90-07-023, filed 3/14/90, effective 4/14/90. Statutory Authority: RCW 43.24.086.
308-127-220	Original application, renewal, termination, and fees for a timeshare salesperson registration. [Statutory Authority: 1983 1st ex.s. c 22 § 26. 83-24-057 (Order 733 DOL), § 308-127-220, filed 12/6/83.] Repealed by 90-07-023, filed 3/14/90, effective 4/14/90. Statutory Authority: RCW 43.24.086.

WAC 308-127-035 Definitions. (1) Words and terms used in these rules shall have the same meaning as each has

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in the Timeshare Act, chapter 64.36 RCW, unless otherwise clearly provided in these rules, or the context in which they are used in these rules clearly indicates that they be given some other meaning.

(2) "Agency" means the department of licensing in the state of Washington.

(3) "Timeshare project" means all the properties located at a specific resort location whether or not subject to resort or condominium regimes documents, which properties are subject to a particular set of timeshare instruments.

(4) "Timeshare property" means all the properties subject to a particular timeshare program established by a particular set of timeshare instruments.

(5) "Timeshare program" means the rights and obligations of the timeshare owners, methods, procedures and rules for occupying, using and managing the timeshared property, as established by a particular set of timeshare instruments.

(6) "Resale timeshare interval" means a timeshare interval offered or sold which is not the original offer, transfer, or sale of such interval to the general public and not a forfeited timeshare sale being reoffered by a promoter, lender, or affiliate.

(7) "Start up timeshare interval" means a timeshare interval that is being offered or sold to the general public for the first time or a forfeited timeshare purchase being resold by a promoter, lender, or affiliate.

(8) "Advance fee" means consideration of any description, collected for any purpose from buyers or sellers of resale timeshare intervals prior to the time of transacting a purchase or sale of a timeshare resale.

(9) "Prospective purchaser" means any person attending a sales presentation of any description or touring a timeshare property in response to an advertisement placed by any person, including lenders to whom a start up timeshare purchaser contract is pledged, hypothecated, or conveyed for security purposes.

(10) "Consolidation" means any adding of intervals, real estate, or units of timeshared personal property to a program. Consolidations shall not be construed as amendments to the registration for purposes of determining fees under these rules.

(11) "Amendment" means an amendment of a registration or a public offering statement pursuant to WAC 308-127-040.

(12) "Limited timeshare offering" means a timeshare interval or timeshare intervals offered or sold in which:

(a) None of the owners of interests are owners for the purpose of making a profit from renting, exchanging, or selling the timeshare interests; and none do in fact make a profit from such activities during a three-year term subsequent to establishment of the program; and

(b) The establishment of the timeshare program is not for the purpose of making a profit on behalf of any person; and

(c) All co-owners had personal knowledge of each other prior to the establishment of the program and there is no solicitation of co-owners by means of advertising in public media.

(13) "Public offering statement" means the disclosure document referred to in the Timeshare Act.

[Statutory Authority: RCW 43.24.086, 90-07-023, § 308-127-035, filed 3/14/90, effective 4/14/90.]

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WAC 308-127-040 Materially adverse change. (1) A materially adverse change means any change in the condition of a promoter or its affiliates which causes or might cause loss or risk of loss to the interests of the timeshare purchasers or prospective purchasers.

A materially adverse change occurs under circumstances which include, but are not limited to, the following:

(a) Any bulk sale of all or a significant portion of the timeshare properties;

(b) Any actual or threatened bankruptcy, receivership, or similar proceeding involving the promoter or its affiliates;

(c) Any lien, encumbrance, or similar circumstance which threatens to affect, or does affect, any of the timeshare properties;

(d) Any sale, lease, substitution of, or addition to the inventory of the timeshare properties by the promoter or its affiliates;

(e) Any amendment or change in the timeshare instruments or the timeshare program;

(f) Any change in the affiliation of the promoter or the association with a timeshare exchange company;

(g) Any change in the promoter's or an affiliate's plan of promotion;

(h) Any change in the status of an escrow, trust, bond, letter of credit, impound or other protective device, being utilized in the timeshare program for purposes of purchaser protection;

(i) Any criminal prosecution, civil lawsuit, or administrative proceeding in which the promoter or its affiliates are parties;

(j) Sell-out of the number of intervals registered to be sold to persons residing in the state of Washington;

(k) Any change in the financial status of the promoter or its affiliates that might adversely affect their ability to pay the timeshare expenses, including reserve accounts, during marketing of the timeshares.

(2) Materially adverse changes shall be reported to the agency for purposes of amending or renewing the registration and the public offering statement at the time they are known or proposed by the promoter or its affiliates. Failure to report such changes within 20 days shall result in the assessing of a \$500.00 penalty fee and shall be cause for suspension, revocation, or denial of a registration.

[Statutory Authority: RCW 43.24.086, 90-07-023, § 308-127-040, filed 3/14/90, effective 4/14/90. Statutory Authority: 1983 1st ex.s. c 22 § 26, 83-24-057 (Order 733 DOL), § 308-127-040, filed 12/6/83.]

WAC 308-127-105 Exemptions from registration. (1) Provided that the conditions stated are met, the director may exempt from registration limited timeshare offerings:

(a) The offering contains fewer than four owners or timeshare intervals for at least three years after its establishment; and

(b) There is no soliciting of purchasers in the timeshare program from among the general public; and

(c) There appears to be neither hazard to the public or owners nor violation of the nonregistration provisions of the statute; and

(d) The co-owners of the timeshare program provide the agency with advance notice of their intent to establish a limited timeshare offering. Such notice may be given on a form

for this purpose provided by the agency, or otherwise, which shall include the names and addresses of all co-owners of the timeshare program and properties, the identity and location of the timeshare properties, and a description of the timeshare program, including a copy of all agreements and forms that financially commit the owners to the program.

(2) Resales, by an owner, on the owner's own account, shall be exempt from registration provided that any such offering or selling is noncommercial in nature. "Noncommercial" shall mean that the owner of the resale intervals is not in the business of offering or selling timeshare intervals and such offering or selling is only incidental to any profession, occupation, or business of the owner.

(3) Offering resale timeshares for another person's account, by a licensed broker or salesperson under chapter 18.85 RCW, shall be exempt from registration under the Timeshare Act, provided that:

(a) The broker shall act solely in a brokerage capacity; and

(b) The broker shall provide prospective purchasers with information about the timeshares, as required in the Timeshare Act; and

(c) The broker shall ensure the transfer of the timeshares; and

(d) The broker shall not be in a business of marketing as a clearing house for the primary purpose offering or selling timeshares.

[Statutory Authority: RCW 43.24.086. 90-07-023, § 308-127-105, filed 3/14/90, effective 4/14/90.]

WAC 308-127-110 Disclosure documents—Projects already registered in foreign jurisdictions. (1) Whenever a timeshare project is sited in a foreign jurisdiction and there has been a prior registration in that jurisdiction under an enactment specifically addressing the regulation of timeshares, the director may accept in whole or in part the disclosure statement of such foreign jurisdiction for purposes of satisfying the disclosure requirements of the Timeshare Act.

(2) Promoters who wish to utilize a disclosure document accepted by a foreign jurisdiction shall forward a copy of the disclosure document to the agency along with the state of Washington registration forms, documents and filing fee ordinarily required of promoters.

(3) If a foreign jurisdiction's disclosure document is incorporated by reference into the state of Washington public offering statement, the state of Washington registration is deficient and void at the moment the registration in the foreign jurisdiction expires, or, if for any reason, the disclosure statement in that jurisdiction is or becomes deficient.

[Statutory Authority: RCW 43.24.086. 90-07-023, § 308-127-110, filed 3/14/90, effective 4/14/90. Statutory Authority: 1983 1st ex.s. c 22 §§ 7 and 26. 83-24-057 (Order 733 DOL), § 308-127-110, filed 12/6/83.]

WAC 308-127-120 Financial information requirements. The agency may require that the financial statements provided for in the Timeshare Act, be prepared and audited by an independent certified public accountant, in a manner which complies with the standards and guidelines established by the American Institute of Certified Public Accountants, under circumstances which include but are not limited to the following:

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(1) For promoters of projects where accommodations or facilities are not completed at the time of the taking of a binding purchaser commitment and review of such statements will assist the agency in determining the promoter's ability to perform; or

(2) For promoters of right-to-use projects where a review of such statements will assist the agency in determining the ability of the promoter to provide continued future quiet enjoyment of the timeshare; or

(3) For promoters of projects where the promoter's payment of project expenses and servicing of reserve accounts cannot be assured by means other than reliance upon the promoter's own ability to pay such obligations from the promoter's existing assets.

[Statutory Authority: RCW 43.24.086. 90-07-023, § 308-127-120, filed 3/14/90, effective 4/14/90. Statutory Authority: 1983 1st ex.s. c 22 § 26. 83-24-057 (Order 733 DOL), § 308-127-120, filed 12/6/83.]

WAC 308-127-130 Disclosure of number of intervals to be sold to persons residing in the state of Washington. The public offering statement shall declare the total number of intervals available to be sold to persons residing within the state of Washington.

[Statutory Authority: RCW 43.24.086. 90-07-023, § 308-127-130, filed 3/14/90, effective 4/14/90. Statutory Authority: 1983 1st ex.s. c 22 § 26. 83-24-057 (Order 733 DOL), § 308-127-130, filed 12/6/83.]

WAC 308-127-140 Expiration and renewal of timeshare offering registration. A timeshare offering registration shall expire one year from the date of approval for registration, or at the time the promoter sells the total number of intervals registered as available to be sold to persons residing in the state of Washington, whichever event occurs first. To continue offering the timeshare project in this state, a promoter shall file for renewal of its timeshare offering registration no later than thirty days prior to expiration of the registration. Failure to renew within six months after the renewal date shall result in the termination of the registration and all fees for an original application for registration shall apply.

[Statutory Authority: RCW 64.36.270, 43.24.023. 04-08-003, § 308-127-140, filed 3/24/04, effective 4/24/04. Statutory Authority: RCW 43.24.086. 90-07-023, § 308-127-140, filed 3/14/90, effective 4/14/90. Statutory Authority: 1983 1st ex.s. c 22 §§ 6 and 26. 83-24-057 (Order 733 DOL), § 308-127-140, filed 12/6/83.]

WAC 308-127-160 Fees. The following fees shall be charged under the authority of RCW 64.36.081 and 43.24.-086:

- | | |
|---|-----------|
| (1) Registration application fees: | |
| Start up timeshare program including one project. | \$1000.00 |
| Each additional project in program. | 200.00 |
| Each apartment unit in program. | 10.00 |
| The first unit of personal property in the timeshare program. | 500.00 |
| Each additional unit of personal property in the timeshare program. | 100.00 |
| Businesses of listing or brokering resale intervals. | 500.00 |

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(2) Interval Fees: For each interval through one thousand. 1.00 Intervals beyond one thousand. 0.00 Each monthly filing of listings of resale intervals (in lieu of interval fees for resale intervals). 10.00	(9) Salespersons fees: Registration. 25.00 Renewal. 25.00 Transfer. 25.00
(3) Renewal fees: Timeshare program including one project. 500.00 Late renewal fee for timeshare program. 2000.00 Each additional project to a maximum of five projects. 200.00 Each apartment unit - to maximum of twenty-five apartment units. 10.00	(10) Fees for amendment of registration: For a timely submission of an amendment filing. 25.00 Penalty fee for failure to file an amendment within twenty days of the occurrence of a materially adverse change. 500.00
(4) Consolidation fees: Each additional project added. 200.00 Each additional apartment unit. 10.00 The first additional unit of personal property being consolidated. 250.00 Each additional unit of personal property added in one consolidation. 100.00	(11) Inspection fees: Applicants and registrants shall pay the cost of inspections conducted pursuant to chapter 64.36 RCW. The inspection fees shall be paid prior to the granting of a registration or consolidation. The inspection fee shall be the actual cost to the department for conducting of the inspection. [Statutory Authority: RCW 64.36.081, 43.24.023, 43.24.086. 04-19-040, § 308-127-160, filed 9/13/04, effective 11/1/04. Statutory Authority: RCW 64.36.270, 43.24.023. 04-12-028, § 308-127-160, filed 5/26/04, effective 7/1/04; 04-08-003, § 308-127-160, filed 3/24/04, effective 4/24/04. Statutory Authority: RCW 64.36.081 and 43.24.086. 02-15-169, § 308-127-160, filed 7/23/02, effective 1/1/03. Statutory Authority: RCW 43.24.086. 90-07-023, § 308-127-160, filed 3/14/90, effective 4/14/90.]
(5) Exemption fees: Programs consisting of a single apartment unit in a single project with fifty-two or fewer intervals. 250.00 All other types of programs. 1000.00	WAC 308-127-200 Activities requiring registration as a timeshare salesperson. (1) An individual acts as a timeshare salesperson whenever the individual induces, solicits, or attempts to encourage a person to acquire a timeshare; or the individual is responsible for causing an advertiser to publicize a timeshare offer. (2) Unless exempted under the Timeshare Act, or these rules, a timeshare salesperson shall be registered in the state of Washington whenever one of the following apply: (a) The timeshare salesperson offers a timeshare for sale from a timeshare project in which the principal property of the program is located in this state; or (b) The timeshare salesperson offers a timeshare for sale from a timeshare project in which the principal property of the program is located outside of this state, and (i) The offer is made in or from this state, or (ii) The person receiving the offer is located in this state at the time the offer is received. [Statutory Authority: RCW 43.24.086. 90-07-023, § 308-127-200, filed 3/14/90, effective 4/14/90. Statutory Authority: 1983 1st ex.s. c 22 § 26. 83-24-057 (Order 733 DOL), § 308-127-200, filed 12/6/83.]
(6) Impound fees: Initial establishment of an impound, escrow, trust, or other arrangement requiring a depository. 500.00 Each required periodic report. 50.00	
(7) Advertising fees: Each initial submission of advertisement whether or not submitted in a timely manner, and whether or not in use at the time of payment. 25.00 Examination of advertisement which are for the purpose of marketing surveys and not involving an examination of project or program instruments. 150.00	WAC 308-127-210 Relationship of timeshare promoters and salespersons and real estate brokers and salespersons. (1) A timeshare salesperson shall be registered to a specific timeshare promoter who has one or more timeshare offerings registered in this state. The promoter shall have full responsibility for all activities of the promoter's timeshare salesperson which relate to offering timeshares for sale. (2) An active real estate broker or salesperson may act as the brokerage agent of one or more timeshare promoters without registering as a timeshare salesperson. However, this exemption from registration as a timeshare salesperson
(8) Fees for persons in the business of offering commercial promotional programs: Registration of individual. 500.00	

applies only when the exempted person is performing real estate brokerage in compliance with chapter 18.85 RCW. Further, this exemption only pertains to the timeshare salesperson registration requirement. All other provisions of the Timeshare Act apply to real estate brokers and salespersons offering timeshares for sale.

(3) A natural person may be registered as a timeshare salesperson while licensed as a real estate broker or salesperson. However, the salesperson shall conduct timeshare activities and maintain associated business records separate and apart from his or her real estate broker or salesperson activities and records. The term "separate and apart" shall not preclude location of timeshare salesperson and real estate brokerage activities at the same office.

(4) Any individual who is registered as a timeshare salesperson and licensed as a real estate broker or salesperson shall disclose in writing to the recipient of a timeshare sales offer whether he or she is acting as the timeshare salesperson of a promoter or a real estate broker or salesperson at the time he or she presents the public offering statement.

[Statutory Authority: RCW 43.24.086, 90-07-023, § 308-127-210, filed 3/14/90, effective 4/14/90. Statutory Authority: 1983 1st ex.s. c 22 § 26, 83-24-057 (Order 733 DOL), § 308-127-210, filed 12/6/83.]

WAC 308-127-225 Original application, renewal, termination, and fees for a timeshare salesperson registration.

(1) An individual shall apply for registration as a timeshare salesperson on a form prescribed by the agency. The registration application for a timeshare salesperson shall identify the specific promoter responsible for the business activities of the salesperson and shall be valid for a period of one year.

(2) When a timeshare salesperson ceases to be employed by a timeshare promoter the salesperson's registration shall be terminated. Written notice of this termination shall be given by the promoter to the director. A terminated individual who desires to work for the same or another promoter shall apply for and receive registration as a timeshare salesperson before engaging in further timeshare sales activities.

(3) An individual may renew his timeshare salesperson registration for one year if the agency receives the individual's request and renewal fee on or before the expiration of the individual's existing registration. The effective date of the renewal shall be the anniversary date of the previous registration. If the registration is not renewed before the expiration date reregistration is required before timeshare sales activity may be continued.

(4) An application for registration or a renewal of registration is not complete unless it is accompanied by the proper fee. Payment of the fee with a check which is subsequently dishonored is a deficient application. Upon notification to the promoter by the agency, the promoter shall cease employment of the applicant as a timeshare salesperson.

[Statutory Authority: RCW 64.36.270, 43.24.023, 04-08-003, § 308-127-225, filed 3/24/04, effective 4/24/04. Statutory Authority: RCW 43.24.086, 90-07-023, § 308-127-225, filed 3/14/90, effective 4/14/90.]

WAC 308-127-300 Impoundment. (1) The agency may require impoundment authorized in the Timeshare Act, under circumstances which include, but are not limited to, the following:

(a) The registration of any cooperative or right-to-use project whenever adequate assurances of continued quiet enjoyment cannot be provided by means of bonds, escrows, trusts, or other devices; or

(b) The registration of any form of timeshare project whenever the timeshare properties and other facilities promised are not yet constructed or otherwise available, and where completion of construction or delivery of accommodations and facilities cannot be assured by bonds, escrows, trusts, or other devices; or

(c) The registration of persons in the business of listing or brokering resale timeshare intervals whenever any advance fees or funds of any description are to be collected from buyers or sellers of resale timeshare intervals prior to the time of transacting a purchase or sale of a timeshare interval; or

(d) The registration of persons in the business of offering commercial promotional programs whenever any advance fees or funds of any description are to be collected from persons in advance, in connection with delivery by the promisor of gifts, prizes, awards, or any other item of value.

(2) Funds subject to impoundment shall be placed in a separate and independent trust account with a bank or depository institution acceptable to the director. A written consent of the depository to act in such capacity shall be filed with the director.

(3) The director will authorize the depository to release to the promoter or an affiliate when appropriate, such amounts of the impounded funds applicable to a specified purpose such as, payment of selling costs or timeshare expenses, purchase of property, or the construction of an improvement, upon a showing that the promoter can satisfy its obligations under the purchaser contracts to furnish purchasers the accommodations, facilities and services promised, or if for other reasons the impoundment is no longer required for the protection of purchasers. A request to authorize the release of the impounded funds to the promoter or an affiliate shall contain the following:

(a) A statement of the promoter, or affiliate where appropriate, that all required proceeds from the sale of timeshares have been placed with the depository in accordance with the terms and conditions of the impoundment agreement;

(b) A statement of the depository signed by an appropriate officer setting forth the aggregate amount of funds placed with the depository, and any interest earned by these funds;

(c) The name of each timeshare contract purchaser and the amount impounded for the account of each purchaser; and

(d) Such other information as the director may request in a particular case.

[Statutory Authority: RCW 43.24.086, 90-07-023, § 308-127-300, filed 3/14/90, effective 4/14/90. Statutory Authority: 1983 1st ex.s. c 22 §§ 13 and 26, 83-24-057 (Order 733 DOL), § 308-127-300, filed 12/6/83.]

WAC 308-127-310 Application of brief adjudicative proceedings. The director adopts RCW 34.05.482 through 34.05.494 for the administration of brief adjudicative proceedings conducted by request, and/or at the discretion of the director pursuant to RCW 34.05.482, for the categories of matters set forth below. Brief adjudicative proceedings will be limited to a determination of one or more of the following issues:

(1) Whether an applicant for a registration meets the minimum criteria for a registration as a timeshare project, timeshare promoter or timeshare salesperson in this state and the department proposes to deny the application;

(2) Whether a person is in compliance with the terms and conditions of a final order or agreement previously issued by the department; and

(3) Whether a registration holder requesting renewal has submitted all required information and whether a registration holder meets minimum criteria for renewal.

[Statutory Authority: RCW 34.05.410 (1)(a) and 34.05.482 (1)(c). 97-10-051, § 308-127-310, filed 5/1/97, effective 6/1/97.]

WAC 308-127-320 Preliminary record in brief adjudicative proceedings. (1) The preliminary record with respect to an application for an original or renewal registration shall consist of:

(a) The application for the registration or renewal and all associated documents;

(b) All documents relied upon by the director in proposing to deny the registration or renewal; and

(c) All correspondence between the applicant for registration or renewal and the director regarding the application.

(2) The preliminary record with respect to determination of compliance with a previously issued final order or agreement shall consist of:

(a) The previously issued final order or agreement;

(b) All reports or other documents submitted by, or at the direction of, the registration holder, in full or partial fulfillment of the terms of the final order or agreement;

(c) All correspondence between the registration holder and the director regarding compliance with the final order or agreement; and

(d) All documents relied upon by the director showing that the registration holder has failed to comply with the previously issued final order or agreement.

[Statutory Authority: RCW 34.05.410 (1)(a) and 34.05.482 (1)(c). 97-10-051, § 308-127-320, filed 5/1/97, effective 6/1/97.]

WAC 308-127-330 Conduct of brief adjudicative proceedings. (1) Brief adjudicative proceedings shall be conducted by a presiding officer for brief adjudicative proceedings designated by the director. The presiding officer for brief adjudicative proceedings shall not have personally participated in the decision which resulted in the request for a brief adjudicative proceeding.

(2) The parties or their representatives may present written documentation. The presiding officer for brief adjudicative proceedings shall designate the date by which written documents must be submitted by the parties.

(3) The presiding officer for brief adjudicative proceedings may, in his or her discretion, entertain oral argument from the parties or their representatives.

(4) No witnesses may appear to testify.

(5) In addition to the record, the presiding officer for brief adjudicative proceedings may employ department expertise as a basis for the decision.

(6) The presiding officer for brief adjudicative proceedings shall not issue an oral order. Within ten days of the final date for submission of materials or oral argument, if any, the

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presiding officer for brief adjudicative proceedings shall enter an initial order.

[Statutory Authority: RCW 34.05.410 (1)(a) and 34.05.482 (1)(c). 97-10-051, § 308-127-330, filed 5/1/97, effective 6/1/97.]

Chapter 308-129 WAC SELLERS OF TRAVEL

WAC

PART A GENERAL

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308-129-030	Registration.

PART B REGISTRATION APPLICATION AND FEES

308-129-100	Applications—Conditions.
308-129-110	Seller of travel registration fees.
308-129-120	Dishonored checks.
308-129-130	Expiration and renewal of registrations.

PART C REQUIRED RECORDS AND RECORDS PROCEDURES

308-129-300	Required records.
308-129-310	Administration of nonexempt funds and records procedure.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

308-129-230	Advertising. [Statutory Authority: Chapter 19.138 RCW. 96-14-092, § 308-129-230, filed 7/2/96, effective 8/2/96.] Repealed by 00-11-047, filed 5/12/00, effective 6/12/00. Statutory Authority: RCW 19.138.170(1).
308-129-320	Brief adjudicative proceedings—Denials based on failure to meet prerequisites for registration. [Statutory Authority: Chapter 19.138 RCW. 96-14-092, § 308-129-320, filed 7/2/96, effective 8/2/96.] Repealed by 96-24-064, filed 12/2/96, effective 1/2/97. Statutory Authority: RCW 34.05.482 and 19.138.170(1).
308-129-335	Application of brief adjudicative proceedings. [Statutory Authority: RCW 34.05.482 and 19.138.170(1). 96-24-064, § 308-129-335, filed 12/2/96, effective 1/2/97.] Repealed by 06-10-007, filed 4/20/06, effective 5/21/06. Statutory Authority: RCW 19.138.170. Later promulgation, see chapter 308-08 WAC.
308-129-340	Preliminary record in brief adjudicative proceedings. [Statutory Authority: RCW 34.05.482 and 19.138.170(1). 96-24-064, § 308-129-340, filed 12/2/96, effective 1/2/97.] Repealed by 06-10-007, filed 4/20/06, effective 5/21/06. Statutory Authority: RCW 19.138.170. Later promulgation, see chapter 308-08 WAC.
308-129-350	Conduct of brief adjudicative proceedings. [Statutory Authority: RCW 34.05.482 and 19.138.170(1). 96-24-064, § 308-129-350, filed 12/2/96, effective 1/2/97.] Repealed by 06-10-007, filed 4/20/06, effective 5/21/06. Statutory Authority: RCW 19.138.170. Later promulgation, see chapter 308-08 WAC.

PART A GENERAL

WAC 308-129-010 Organization. The sellers of travel program of the department of licensing administers the Washington Sellers of Travel Registration Act, chapter 19.138 RCW. Information regarding sellers of travel registrations or the sellers of travel program may be obtained by writing to the Program Manager, Sellers of Travel Program, Department of Licensing, P.O. Box 9045, Olympia, Washington 98507.

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[Statutory Authority: Chapter 19.138 RCW. 96-14-092, § 308-129-010, filed 7/2/96, effective 8/2/96.]

WAC 308-129-020 Definitions. (1) "Registration number" means the unified business identifier number (UBI) assigned to the registered seller of travel.

(2) "Main office" means the first registered business location for a seller of travel.

(3) "Branch office" means each additional business location for a seller of travel after the first location has been registered.

(4) "Other approved account" means (a) bank administered account; (b) account pursuant to other state law; (c) checking account; (d) savings account; (e) an account individually approved of by the department.

[Statutory Authority: Chapter 19.138 RCW. 96-14-092, § 308-129-020, filed 7/2/96, effective 8/2/96.]

WAC 308-129-030 Registration. Registration as a seller of travel will be accomplished through the master license system under chapter 19.02 RCW. The fees established by or under chapter 19.138 RCW for registering as a seller of travel shall be paid to the department of licensing concurrently with an application for a master license or with the annual renewal of a master license under chapter 19.02 RCW.

A corporation, limited liability company, limited liability partnership, or a limited partnership, based in the state of Washington, must first be registered with the office of the secretary of state before registering as a seller of travel.

[Statutory Authority: Chapter 19.138 RCW. 96-14-092, § 308-129-030, filed 7/2/96, effective 8/2/96.]

PART B REGISTRATION APPLICATION AND FEES

WAC 308-129-100 Applications—Conditions. Any person desiring to be registered as a seller of travel shall submit with the application form:

(1) A copy of any criminal conviction, including a guilty plea, within the last ten years, or any conviction that resulted in the applicant having to register as a sex offender regardless of whether the conviction is over ten years old.

(2) A copy of any civil or administrative judgment or order involving dishonesty, fraud, or violation of any act designed to protect consumers that names the applicant as a party.

(3) In lieu of the CPA/LPA/bank officer report required by RCW 19.138.110(5), an applicant may submit an affidavit or declaration signed under penalty of perjury setting out the information required by RCW 19.138.110(5).

(4) Applicants who certify under penalty of perjury that they do not hold for more than five business days any nonexempt funds received from any person or entity for retail travel services shall not be required to report or maintain a trust account or other approved account under RCW 19.138.110 (5).

(5) A seller of travel applying to be licensed under chapter 19.138 RCW may submit a surety bond as described in RCW 19.138.140 (7)(a)(i) or other instrument approved by the department as described in RCW 19.138.140 (7)(a)(iv).

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The amount of the surety bond or other approved instrument shall be based upon the prior year's annual gross income of business conducted as outlined in the following scale:

Annual Gross Income of Business Conducted:	Amount of Surety Bond or other instrument approved by the department:
\$199,999 and under	\$10,000
\$200,000 through \$499,999	\$20,000
\$500,000 through \$749,999	\$30,000
\$750,000 through \$999,999	\$40,000
\$1,000,000 and above	\$50,000

(6) Sellers of travel companies upon application and renewal shall attest to their gross annual income of business conducted on a form provided by the department.

[Statutory Authority: RCW 19.138.170 and 43.24.023. 03-03-055, § 308-129-100, filed 1/13/03, effective 2/13/03. Statutory Authority: RCW 19.138.170(1). 00-11-047, § 308-129-100, filed 5/12/00, effective 6/12/00. Statutory Authority: Chapter 19.138 RCW. 96-14-092, § 308-129-100, filed 7/2/96, effective 8/2/96.]

WAC 308-129-110 Seller of travel registration fees. The following fees shall be charged by the business and professions division of the department of licensing:

Title of Fee	Fee
Original registration fee	\$ 145.00
Registration renewal	145.00
Service of process fee	20.00

Branch offices are subject to a duplicate registration fee. The duplicate registration fee for each branch office shall be an amount equal to the original registration fee.

[Statutory Authority: RCW 19.138.170, 43.24.023, 43.24.086. 04-19-039, § 308-129-110, filed 9/13/04, effective 11/1/04. Statutory Authority: RCW 19.138.170, 43.24.023. 04-12-027, § 308-129-110, filed 5/26/04, effective 7/1/04. Statutory Authority: RCW 19.138.170(1). 00-01-128, § 308-129-110, filed 12/20/99, effective 1/20/00. Statutory Authority: Chapter 19.138 RCW. 96-14-092, § 308-129-110, filed 7/2/96, effective 8/2/96.]

WAC 308-129-120 Dishonored checks. Payment of any fee required under chapter 19.138 or 19.02 RCW by a check which is dishonored shall be considered a nonpayment and the registration action for which the dishonored check was tendered shall be considered invalid by the department.

[Statutory Authority: Chapter 19.138 RCW. 96-14-092, § 308-129-120, filed 7/2/96, effective 8/2/96.]

WAC 308-129-130 Expiration and renewal of registrations. Registrations issued to sellers of travel shall expire concurrently with the master license expiration date. Registrations and fees will be prorated as necessary to match the master license expiration date. Registrations must be renewed each year on or before the expiration date and renewal registration fees as prescribed in WAC 308-129-110 and chapter 19.02 RCW shall be paid. Acceptance by the director of an application for renewal after the renewal date shall not be a waiver of the master licensing service delinquency.

[Statutory Authority: Chapter 19.138 RCW. 96-14-092, § 308-129-130, filed 7/2/96, effective 8/2/96.]

**PART C
REQUIRED RECORDS AND RECORDS
PROCEDURES**

WAC 308-129-300 Required records. The minimum records a seller of travel shall be required to keep are:

(1) Bank trust account or other approved account records (unless exempt);

(2) Client account information, which includes the client's name, amount and date payment was received and disbursed;

(3) Unless a different period is specified by statute or rule, the required records shall be maintained and available for inspection by representatives of the department for a period of two years after completion of the travel.

[Statutory Authority: Chapter 19.138 RCW. 96-14-092, § 308-129-300, filed 7/2/96, effective 8/2/96.]

WAC 308-129-310 Administration of nonexempt funds and records procedure. Any seller of travel shall distribute nonexempt funds as authorized by statute and these regulations:

(1) The trust account or other approved account shall be in the firm name of the seller of travel as registered;

(2) All disbursements from the trust account or other approved account shall be identified to a specific transaction

(3) If the financial institution charges service fees, the seller of travel shall reimburse the trust account or other approved account within 10 banking days after receipt of the monthly statement.

[Statutory Authority: Chapter 19.138 RCW. 96-14-092, § 308-129-310, filed 7/2/96, effective 8/2/96.]

Chapter 308-200A WAC

**DEPARTMENT OF LICENSING ENVIRONMENTAL
REGULATIONS**

WAC

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308-200A-030	Integration of SEPA procedures with other governmental operations.
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WAC 308-200A-010 Authority. The department adopts by reference the text of WAC 197-10-010, as it existed on January 21, 1978.

[Statutory Authority: RCW 43.21C.120. 78-09-002 (Order 500-DOL), § 308-200A-010, filed 8/3/78. Formerly WAC 308-200-010.]

WAC 308-200A-020 Purpose. (1) The purpose of this chapter is to establish department of licensing rules interpreting and implementing the State Environmental Policy Act of 1971 (SEPA), which rules will apply to the department, its divisions, and its affiliated agencies.

(2) These rules do not govern compliance by the department with respect to the National Environmental Policy Act of 1969 (NEPA). When the department is required by federal law or regulations to perform some element of compliance with NEPA, such compliance will be governed by the applicable federal statute and regulations and not by these rules.

[Statutory Authority: RCW 43.21C.120. 78-09-002 (Order 500-DOL), § 308-200A-020, filed 8/3/78. Formerly WAC 308-200-020.]

WAC 308-200A-025 Scope and coverage of this chapter. The department adopts by reference the text of WAC 197-10-025, as it existed on January 21, 1978.

[Statutory Authority: RCW 43.21C.120. 78-09-002 (Order 500-DOL), § 308-200A-025, filed 8/3/78. Formerly WAC 308-200-025.]

WAC 308-200A-030 Integration of SEPA procedures with other governmental operations. The department adopts by reference the text of WAC 197-10-030, as it existed on January 21, 1978.

[Statutory Authority: RCW 43.21C.120. 78-09-002 (Order 500-DOL), § 308-200A-030, filed 8/3/78. Formerly WAC 308-200-030.]

WAC 308-200A-040 Definitions. The department adopts by reference the text of WAC 197-10-040, as it existed on January 21, 1978.

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[Statutory Authority: RCW 43.21C.120. 78-09-002 (Order 500-DOL), § 308-200A-040, filed 8/3/78. Formerly WAC 308-200-040.]

WAC 308-200A-050 Use of the environmental checklist form. The department adopts by reference the text of WAC 197-10-050, as it existed on January 21, 1978.

[Statutory Authority: RCW 43.21C.120. 78-09-002 (Order 500-DOL), § 308-200A-050, filed 8/3/78. Formerly WAC 308-200-050.]

WAC 308-200A-055 Timing of the EIS process. (1) When acting as a lead agency, the department shall identify the times at which the EIS process must be completed on a case-by-case basis.

(2) At a minimum, the threshold determination and any required EIS shall be completed prior to undertaking any proposed major action.

(3) The maximum time limits contained in these regulations for the threshold determination and EIS process do not apply to a proposal for a governmental action when the proponent of the action is also the lead agency.

[Statutory Authority: RCW 43.21C.120. 78-09-002 (Order 500-DOL), § 308-200A-055, filed 8/3/78. Formerly WAC 308-200-055.]

WAC 308-200A-060 Scope of a proposal and its impacts for the purposes of lead agency determination, threshold determination, and EIS preparation. The department adopts by reference the text of WAC 197-10-060, as it existed on January 21, 1978.

[Statutory Authority: RCW 43.21C.120. 78-09-002 (Order 500-DOL), § 308-200A-060, filed 8/3/78. Formerly WAC 308-200-060.]

WAC 308-200A-100 Summary of information which may be required of a private applicant. (1) There are three areas of these rules where the department is allowed to require information from a private applicant. These are:

- (a) Environmental checklist;
- (b) Threshold determination; and
- (c) Draft and final EIS.

Further information may be required if the responsible official determines that the information initially supplied was not reasonably adequate to fulfill the purpose for which it was required. An applicant may voluntarily submit, at any time, information beyond that which may be required under these rules.

(2) Environmental checklist. A private applicant is required to complete an environmental checklist as set forth in WAC 197-10-365 and in section 308-200A-365 of this chapter, either concurrently with or after filing the application. Explanations for each "yes" and "maybe" answer indicated thereon are required. The department may not require a complete assessment or "mini-EIS" at this stage.

(3) Threshold determination. The lead agency shall make an initial review of a completed checklist without requiring more information from a private applicant. After completing this initial review, the lead agency may require further information from the applicant, including explanation of "no" answers on the checklist. This information shall be limited to those elements on the environmental checklist for which, as determined by the lead agency, information accessible to the lead agency is not reasonably sufficient to evaluate the environmental impacts of the proposal. Field investigations or

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research by the applicant reasonably related to determining the environmental impacts of the proposal may be required.

(4) Draft and final EIS preparation. An EIS may be prepared by the applicant under the direction of the responsible official, if the responsible official requires and so notifies the applicant in writing. Alternatively, the responsible official may require a private applicant to provide data and information which is not in the possession of the lead agency relevant to any or all areas to be covered by an EIS. A private applicant shall not be required to provide information which is the subject of a predraft consultation request until the consulted agency has responded, or the forty-five days allowed for response by the consulted agency has expired, whichever is earlier. (See WAC 308-200A-420.)

[Statutory Authority: RCW 43.21C.120. 78-09-002 (Order 500-DOL), § 308-200A-100, filed 8/3/78. Formerly WAC 308-200-100.]

EXEMPTIONS

WAC 308-200A-150 Exemptions exclusive—CEP approval of changes in exemptions. The department adopts by reference the text of WAC 197-10-150, as it existed on January 21, 1978.

[Statutory Authority: RCW 43.21C.120. 78-09-002 (Order 500-DOL), § 308-200A-150, filed 8/3/78. Formerly WAC 308-200-150.]

WAC 308-200A-160 No presumption of significance for nonexempt actions. The department adopts by reference the text of WAC 197-10-160, as it existed on January 21, 1978.

[Statutory Authority: RCW 43.21C.120. 78-09-002 (Order 500-DOL), § 308-200A-160, filed 8/3/78. Formerly WAC 308-200-160.]

WAC 308-200A-170 Categorical exemptions. The department adopts by reference the text of WAC 197-10-170, as it existed on January 21, 1978.

[Statutory Authority: RCW 43.21C.120. 78-09-002 (Order 500-DOL), § 308-200A-170, filed 8/3/78. Formerly WAC 308-200-170.]

WAC 308-200A-175 Exemptions and nonexemptions applicable to the department. All actions and licenses required under programs administered by the department of licensing as of December 12, 1975, are hereby exempted, except the following, which, notwithstanding the provisions of WAC 197-10-170 and 308-200A-170 of this chapter, shall not be considered exempt:

(1) Camping club promotional permits required by chapter 19.105 RCW.

(2) Motor vehicle wrecker licenses required by chapter 46.80 RCW. WAC 197-10-170 (5)(i) and 308-200A-170 (5)(i) shall apply to allow possible exemption of renewals of camping club promotional permits and motor vehicle wrecker licenses.

(3) The adoption or amendment by the department of any regulations or standards for motor vehicle wrecker operations or camping club operations affecting environmental values.

The exemptions in this section are in addition to the general exemptions of WAC 197-10-170 and 197-10-180, which apply to all agencies unless the general exemptions are specifically made inapplicable by this section.

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[Statutory Authority: RCW 43.21C.120. 78-09-002 (Order 500-DOL), § 308-200A-175, filed 8/3/78. Formerly WAC 308-200-175.]

WAC 308-200A-177 Environmentally sensitive areas. The department adopts by reference the text of WAC 197-10-177, as it existed on January 21, 1978.

[Statutory Authority: RCW 43.21C.120. 78-09-002 (Order 500-DOL), § 308-200A-177, filed 8/3/78.]

WAC 308-200A-180 Exemptions for emergency actions. The department adopts by reference the text of WAC 197-10-180, as it existed on January 21, 1978.

[Statutory Authority: RCW 43.21C.120. 78-09-002 (Order 500-DOL), § 308-200A-180, filed 8/3/78. Formerly WAC 308-200-180.]

WAC 308-200A-190 Use and effect of categorical exemptions. The department adopts by reference the text of WAC 197-10-190, as it existed on January 21, 1978.

[Statutory Authority: RCW 43.21C.120. 78-09-002 (Order 500-DOL), § 308-200A-190, filed 8/3/78. Formerly WAC 308-200-190.]

LEAD AGENCY

WAC 308-200A-200 Lead agency—Responsibilities. The department adopts by reference the text of WAC 197-10-200, as it existed on January 21, 1978.

[Statutory Authority: RCW 43.21C.120. 78-09-002 (Order 500-DOL), § 308-200A-200, filed 8/3/78. Formerly WAC 308-200-200.]

WAC 308-200A-203 Determination of lead agency—Procedures. The department adopts by reference the text of WAC 197-10-203, as it existed on January 21, 1978.

[Statutory Authority: RCW 43.21C.120. 78-09-002 (Order 500-DOL), § 308-200A-203, filed 8/3/78. Formerly WAC 308-200-203.]

WAC 308-200A-205 Lead agency designation—Governmental proposals. The department adopts by reference the text of WAC 197-10-205, as it existed on January 21, 1978.

[Statutory Authority: RCW 43.21C.120. 78-09-002 (Order 500-DOL), § 308-200A-205, filed 8/3/78. Formerly WAC 308-200-205.]

WAC 308-200A-210 Lead agency designation—Proposals involving both private and public construction activity. The department adopts by reference the text of WAC 197-10-210, as it existed on January 21, 1978.

[Statutory Authority: RCW 43.21C.120. 78-09-002 (Order 500-DOL), § 308-200A-210, filed 8/3/78. Formerly WAC 308-200-210.]

WAC 308-200A-215 Lead agency designation—Private projects for which there is only one agency with jurisdiction. The department adopts by reference the text of WAC 197-10-215, as it existed on January 21, 1978.

[Statutory Authority: RCW 43.21C.120. 78-09-002 (Order 500-DOL), § 308-200A-215, filed 8/3/78. Formerly WAC 308-200-215.]

WAC 308-200A-220 Lead agency designation—Private projects requiring licenses from more than one agency, when one of the agencies is a county/city. The department adopts by reference the text of WAC 197-10-220, as it existed on January 21, 1978.

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[Statutory Authority: RCW 43.21C.120. 78-09-002 (Order 500-DOL), § 308-200A-220, filed 8/3/78. Formerly WAC 308-200-220.]

WAC 308-200A-225 Lead agency designation—Private projects requiring licenses from more than one state agency. The department adopts by reference the text of WAC 197-10-225, as it existed on January 21, 1978.

[Statutory Authority: RCW 43.21C.120. 78-09-002 (Order 500-DOL), § 308-200A-225, filed 8/3/78. Formerly WAC 308-200-225.]

WAC 308-200A-230 Lead agency designation—Specific proposals. The department adopts by reference the text of WAC 197-10-230, as it existed on January 21, 1978.

[Statutory Authority: RCW 43.21C.120. 78-09-002 (Order 500-DOL), § 308-200A-230, filed 8/3/78. Formerly WAC 308-200-230.]

WAC 308-200A-235 Local agency transfer of lead agency status to a state agency. The department adopts by reference the text of WAC 197-10-235, as it existed on January 21, 1978.

[Statutory Authority: RCW 43.21C.120. 78-09-002 (Order 500-DOL), § 308-200A-235, filed 8/3/78. Formerly WAC 308-200-235.]

WAC 308-200A-240 Agreements as to lead agency status. The department adopts by reference the text of WAC 197-10-240, as it existed on January 21, 1978.

[Statutory Authority: RCW 43.21C.120. 78-09-002 (Order 500-DOL), § 308-200A-240, filed 8/3/78. Formerly WAC 308-200-240.]

WAC 308-200A-245 Agreements between agencies as to division of lead agency duties. The department adopts by reference the text of WAC 197-10-245, as it existed on January 21, 1978.

[Statutory Authority: RCW 43.21C.120. 78-09-002 (Order 500-DOL), § 308-200A-245, filed 8/3/78. Formerly WAC 308-200-245.]

WAC 308-200A-260 Dispute as to lead agency determination—Resolution by CEP. The department adopts by reference the text of WAC 197-10-260, as it existed on January 21, 1978.

[Statutory Authority: RCW 43.21C.120. 78-09-002 (Order 500-DOL), § 308-200A-260, filed 8/3/78. Formerly WAC 308-200-260.]

WAC 308-200A-270 Assumption of lead agency status by another agency with jurisdiction. The department adopts by reference the text of WAC 197-10-270, as it existed on January 21, 1978.

[Statutory Authority: RCW 43.21C.120. 78-09-002 (Order 500-DOL), § 308-200A-270, filed 8/3/78. Formerly WAC 308-200-270.]

THRESHOLD DETERMINATION

WAC 308-200A-300 Threshold determination requirement. The department adopts by reference the text of WAC 197-10-300, as it existed on January 21, 1978.

[Statutory Authority: RCW 43.21C.120. 78-09-002 (Order 500-DOL), § 308-200A-300, filed 8/3/78. Formerly WAC 308-200-300.]

WAC 308-200A-305 Recommended timing for threshold determination. The department adopts by refer-

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ence the text of WAC 197-10-305, as it existed on January 21, 1978.

[Statutory Authority: RCW 43.21C.120. 78-09-002 (Order 500-DOL), § 308-200A-305, filed 8/3/78. Formerly WAC 308-200-305.]

WAC 308-200A-310 Threshold determination procedures—Environmental checklist. The department adopts by reference the text of WAC 197-10-310, as it existed on January 21, 1978.

[Statutory Authority: RCW 43.21C.120. 78-09-002 (Order 500-DOL), § 308-200A-310, filed 8/3/78. Formerly WAC 308-200-310.]

WAC 308-200A-320 Threshold determination procedures—Initial review of environmental checklist. The department adopts by reference the text of WAC 197-10-320, as it existed on January 21, 1978.

[Statutory Authority: RCW 43.21C.120. 78-09-002 (Order 500-DOL), § 308-200A-320, filed 8/3/78. Formerly WAC 308-200-320.]

WAC 308-200A-330 Threshold determination procedures—Information in addition to checklist. The department adopts by reference the text of WAC 197-10-330, as it existed on January 21, 1978.

[Statutory Authority: RCW 43.21C.120. 78-09-002 (Order 500-DOL), § 308-200A-330, filed 8/3/78. Formerly WAC 308-200-330.]

WAC 308-200A-340 Threshold determination procedures—Negative declarations. The department adopts by reference the text of WAC 197-10-340, as it existed on January 21, 1978.

[Statutory Authority: RCW 43.21C.120. 78-09-002 (Order 500-DOL), § 308-200A-340, filed 8/3/78. Formerly WAC 308-200-340.]

WAC 308-200A-345 Assumption of lead agency status by another agency with jurisdiction over a proposal—Prerequisites, effect and form of notice. The department adopts by reference the text of WAC 197-10-345, as it existed on January 21, 1978.

[Statutory Authority: RCW 43.21C.120. 78-09-002 (Order 500-DOL), § 308-200A-345, filed 8/3/78. Formerly WAC 308-200-345.]

WAC 308-200A-350 Affirmative threshold determination. The department adopts by reference the text of WAC 197-10-350, as it existed on January 21, 1978.

[Statutory Authority: RCW 43.21C.120. 78-09-002 (Order 500-DOL), § 308-200A-350, filed 8/3/78. Formerly WAC 308-200-350.]

WAC 308-200A-355 Form of declaration of significance/nonsignificance. The department adopts by reference the text of WAC 197-10-355, as it existed on January 21, 1978.

[Statutory Authority: RCW 43.21C.120. 78-09-002 (Order 500-DOL), § 308-200A-355, filed 8/3/78. Formerly WAC 308-200-355.]

WAC 308-200A-360 Threshold determination criteria—Application of environmental checklist. The department adopts by reference the text of WAC 197-10-360, as it existed on January 21, 1978.

[Statutory Authority: RCW 43.21C.120. 78-09-002 (Order 500-DOL), § 308-200A-360, filed 8/3/78. Formerly WAC 308-200-360.]

WAC 308-200A-365 Environmental checklist. The department adopts by reference the text of WAC 197-10-365, as it existed on January 21, 1978.

[Statutory Authority: RCW 43.21C.120. 78-09-002 (Order 500-DOL), § 308-200A-365, filed 8/3/78. Formerly WAC 308-200-365.]

WAC 308-200A-370 Withdrawal of affirmative threshold determination. The department adopts by reference the text of WAC 197-10-370, as it existed on January 21, 1978.

[Statutory Authority: RCW 43.21C.120. 78-09-002 (Order 500-DOL), § 308-200A-370, filed 8/3/78. Formerly WAC 308-200-370.]

WAC 308-200A-375 Withdrawal of negative threshold determination. The department adopts by reference the text of WAC 197-10-375, as it existed on January 21, 1978.

[Statutory Authority: RCW 43.21C.120. 78-09-002 (Order 500-DOL), § 308-200A-375, filed 8/3/78. Formerly WAC 308-200-375.]

WAC 308-200A-390 Effect of threshold determination by lead agency. The department adopts by reference the text of WAC 197-10-390, as it existed on January 21, 1978.

[Statutory Authority: RCW 43.21C.120. 78-09-002 (Order 500-DOL), § 308-200A-390, filed 8/3/78. Formerly WAC 308-200-390.]

DRAFT EIS PREPARATION AND CONTENTS

WAC 308-200A-400 Duty to begin preparation of a draft EIS. The department adopts by reference the text of WAC 197-10-400, as it existed on January 21, 1978.

[Statutory Authority: RCW 43.21C.120. 78-09-002 (Order 500-DOL), § 308-200A-400, filed 8/3/78. Formerly WAC 308-200-400.]

WAC 308-200A-405 Purpose and function of a draft EIS. The department adopts by reference the text of WAC 197-10-405, as it existed on January 21, 1978.

[Statutory Authority: RCW 43.21C.120. 78-09-002 (Order 500-DOL), § 308-200A-405, filed 8/3/78. Formerly WAC 308-200-405.]

WAC 308-200A-410 Predraft consultation procedures. The department adopts by reference the text of WAC 197-10-410, as it existed on January 21, 1978.

[Statutory Authority: RCW 43.21C.120. 78-09-002 (Order 500-DOL), § 308-200A-410, filed 8/3/78. Formerly WAC 308-200-410.]

WAC 308-200A-420 Preparation of EIS by persons outside the lead agency. The department adopts by reference the text of WAC 197-10-420, as it existed on January 21, 1978.

[Statutory Authority: RCW 43.21C.120. 78-09-002 (Order 500-DOL), § 308-200A-420, filed 8/3/78. Formerly WAC 308-200-420.]

WAC 308-200A-425 Organization and style of a draft EIS. The department adopts by reference the text of WAC 197-10-425, as it existed on January 21, 1978.

[Statutory Authority: RCW 43.21C.120. 78-09-002 (Order 500-DOL), § 308-200A-425, filed 8/3/78. Formerly WAC 308-200-425.]

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WAC 308-200A-440 Contents of a draft EIS. The department adopts by reference the text of WAC 197-10-440, as it existed on January 21, 1978.

[Statutory Authority: RCW 43.21C.120. 78-09-002 (Order 500-DOL), § 308-200A-440, filed 8/3/78. Formerly WAC 308-200-440.]

WAC 308-200A-442 Special considerations regarding contents of an EIS on a nonproject action. The department adopts by reference the text of WAC 197-10-442, as it existed on January 21, 1978.

[Statutory Authority: RCW 43.21C.120. 78-09-002 (Order 500-DOL), § 308-200A-442, filed 8/3/78. Formerly WAC 308-200-442.]

WAC 308-200A-444 List of elements of the environment. The department adopts by reference the text of WAC 197-10-444, as it existed on January 21, 1978.

[Statutory Authority: RCW 43.21C.120. 78-09-002 (Order 500-DOL), § 308-200A-444, filed 8/3/78. Formerly WAC 308-200-444.]

WAC 308-200A-446 Draft EIS—Optional additional elements—Limitation. At the discretion of the responsible official, there may be added to the list of elements of the environment to be attached to any EIS, the following elements:

- (1) Social factors,
- (2) Cultural concerns, and
- (3) Economic issues.

Such additional elements shall become part of the environment for EIS purposes, and not otherwise.

[Statutory Authority: RCW 43.21C.120. 78-09-002 (Order 500-DOL), § 308-200A-446, filed 8/3/78. Formerly WAC 308-200-446.]

PUBLIC AWARENESS, HEARINGS AND CIRCULATION OF DRAFT EIS

WAC 308-200A-450 Public awareness of availability of draft EIS. The department adopts by reference the text of WAC 197-10-450, as it existed on January 21, 1978.

[Statutory Authority: RCW 43.21C.120. 78-09-002 (Order 500-DOL), § 308-200A-450, filed 8/3/78. Formerly WAC 308-200-450.]

WAC 308-200A-455 Circulation of the draft EIS—Review period. The department adopts by reference the text of WAC 197-10-455, as it existed on January 21, 1978.

[Statutory Authority: RCW 43.21C.120. 78-09-002 (Order 500-DOL), § 308-200A-455, filed 8/3/78. Formerly WAC 308-200-455.]

WAC 308-200A-460 Specific agencies to which draft EIS shall be sent. The department adopts by reference the text of WAC 197-10-460, as it existed on January 21, 1978.

[Statutory Authority: RCW 43.21C.120. 78-09-002 (Order 500-DOL), § 308-200A-460, filed 8/3/78. Formerly WAC 308-200-460.]

WAC 308-200A-465 Agencies possessing environmental expertise. The department adopts by reference the text of WAC 197-10-465, as it existed on January 21, 1978.

[Statutory Authority: RCW 43.21C.120. 78-09-002 (Order 500-DOL), § 308-200A-465, filed 8/3/78. Formerly WAC 308-200-465.]

WAC 308-200A-470 Cost to the public for reproduction of environmental documents. The department adopts

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by reference the text of WAC 197-10-470, as it existed on January 21, 1978.

[Statutory Authority: RCW 43.21C.120. 78-09-002 (Order 500-DOL), § 308-200A-470, filed 8/3/78. Formerly WAC 308-200-470.]

WAC 308-200A-480 Public hearing on a proposal—When required. The department adopts by reference the text of WAC 197-10-480, as it existed on January 21, 1978.

[Statutory Authority: RCW 43.21C.120. 78-09-002 (Order 500-DOL), § 308-200A-480, filed 8/3/78. Formerly WAC 308-200-480.]

WAC 308-200A-485 Notice of public hearing on environmental impact of the proposal. The department adopts by reference the text of WAC 197-10-485, as it existed on January 21, 1978.

[Statutory Authority: RCW 43.21C.120. 78-09-002 (Order 500-DOL), § 308-200A-485, filed 8/3/78. Formerly WAC 308-200-485.]

WAC 308-200A-490 Public hearing on the proposal—Use of environmental documents. The department adopts by reference the text of WAC 197-10-490, as it existed on January 21, 1978.

[Statutory Authority: RCW 43.21C.120. 78-09-002 (Order 500-DOL), § 308-200A-490, filed 8/3/78. Formerly WAC 308-200-490.]

WAC 308-200A-495 Preparation of amended or new draft EIS. The department adopts by reference the text of WAC 197-10-495, as it existed on January 21, 1978.

[Statutory Authority: RCW 43.21C.120. 78-09-002 (Order 500-DOL), § 308-200A-495, filed 8/3/78. Formerly WAC 308-200-495.]

RESPONSIBILITIES OF CONSULTED AGENCIES

WAC 308-200A-500 Responsibilities of consulted agencies—Local agencies. The department adopts by reference the text of WAC 197-10-500, as it existed on January 21, 1978.

[Statutory Authority: RCW 43.21C.120. 78-09-002 (Order 500-DOL), § 308-200A-500, filed 8/3/78. Formerly WAC 308-200-500.]

WAC 308-200A-510 Responsibilities of consulted agencies—State agencies with jurisdiction. The department adopts by reference the text of WAC 197-10-510, as it existed on January 21, 1978.

[Statutory Authority: RCW 43.21C.120. 78-09-002 (Order 500-DOL), § 308-200A-510, filed 8/3/78. Formerly WAC 308-200-510.]

WAC 308-200A-520 Responsibilities of consulted agencies—State agencies with environmental expertise. The department adopts by reference the text of WAC 197-10-520, as it existed on January 21, 1978.

[Statutory Authority: RCW 43.21C.120. 78-09-002 (Order 500-DOL), § 308-200A-520, filed 8/3/78. Formerly WAC 308-200-520.]

WAC 308-200A-530 Responsibilities of consulted agencies—When predraft consultation has occurred. The department adopts by reference the text of WAC 197-10-530, as it existed on January 21, 1978.

[Statutory Authority: RCW 43.21C.120. 78-09-002 (Order 500-DOL), § 308-200A-530, filed 8/3/78. Formerly WAC 308-200-530.]

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WAC 308-200A-535 Cost of performance of consulted agency responsibilities. The department adopts by reference the text of WAC 197-10-535, as it existed on January 21, 1978.

[Statutory Authority: RCW 43.21C.120. 78-09-002 (Order 500-DOL), § 308-200A-535, filed 8/3/78. Formerly WAC 308-200-535.]

WAC 308-200A-540 Limitations on responses to consultation. The department adopts by reference the text of WAC 197-10-540, as it existed on January 21, 1978.

[Statutory Authority: RCW 43.21C.120. 78-09-002 (Order 500-DOL), § 308-200A-540, filed 8/3/78. Formerly WAC 308-200-540.]

WAC 308-200A-545 Effect of no written comment. The department adopts by reference the text of WAC 197-10-545, as it existed on January 21, 1978.

[Statutory Authority: RCW 43.21C.120. 78-09-002 (Order 500-DOL), § 308-200A-545, filed 8/3/78. Formerly WAC 308-200-545.]

PREPARATION, CONTENTS AND CIRCULATION OF FINAL EIS

WAC 308-200A-550 Preparation of the final EIS—Time period allowed. The department adopts by reference the text of WAC 197-10-550, as it existed on January 21, 1978.

[Statutory Authority: RCW 43.21C.120. 78-09-002 (Order 500-DOL), § 308-200A-550, filed 8/3/78. Formerly WAC 308-200-550.]

WAC 308-200A-570 Preparation of the final EIS—Contents—When no critical comments received on the draft EIS. The department adopts by reference the text of WAC 197-10-570, as it existed on January 21, 1978.

[Statutory Authority: RCW 43.21C.120. 78-09-002 (Order 500-DOL), § 308-200A-570, filed 8/3/78. Formerly WAC 308-200-570.]

WAC 308-200A-580 Preparation of the final EIS—Contents—When critical comments received on the draft EIS. The department adopts by reference the text of WAC 197-10-580, as it existed on January 21, 1978.

[Statutory Authority: RCW 43.21C.120. 78-09-002 (Order 500-DOL), § 308-200A-580, filed 8/3/78. Formerly WAC 308-200-580.]

WAC 308-200A-600 Circulation of the final EIS. The department adopts by reference the text of WAC 197-10-600, as it existed on January 21, 1978.

[Statutory Authority: RCW 43.21C.120. 78-09-002 (Order 500-DOL), § 308-200A-600, filed 8/3/78. Formerly WAC 308-200-600.]

USE OF OTHER EIS'S

WAC 308-200A-650 Effect of an adequate final EIS prepared pursuant to NEPA. The department adopts by reference the text of WAC 197-10-650, as it existed on January 21, 1978.

[Statutory Authority: RCW 43.21C.120. 78-09-002 (Order 500-DOL), § 308-200A-650, filed 8/3/78. Formerly WAC 308-200-650.]

WAC 308-200A-652 Supplementation by a lead agency of an inadequate final NEPA EIS. The department

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adopts by reference the text of WAC 197-10-652, as it existed on January 21, 1978.

[Statutory Authority: RCW 43.21C.120. 78-09-002 (Order 500-DOL), § 308-200A-652, filed 8/3/78. Formerly WAC 308-200-652.]

WAC 308-200A-660 Use of previously prepared EIS for a different proposed action. The department adopts by reference the text of WAC 197-10-660, as it existed on January 21, 1978.

[Statutory Authority: RCW 43.21C.120. 78-09-002 (Order 500-DOL), § 308-200A-660, filed 8/3/78. Formerly WAC 308-200-660.]

WAC 308-200A-690 Use of lead agency's EIS by other acting agencies for the same proposal. The department adopts by reference the text of WAC 197-10-690, as it existed on January 21, 1978.

[Statutory Authority: RCW 43.21C.120. 78-09-002 (Order 500-DOL), § 308-200A-690, filed 8/3/78. Formerly WAC 308-200-690.]

WAC 308-200A-695 Draft and final supplements to a revised EIS. The department adopts by reference the text of WAC 197-10-695, as it existed on January 21, 1978.

[Statutory Authority: RCW 43.21C.120. 78-09-002 (Order 500-DOL), § 308-200A-695, filed 8/3/78. Formerly WAC 308-200-695.]

EFFECT OF EIS PROCEDURES ON AGENCY ACTIVITIES

WAC 308-200A-700 No action for seven days after publication of the final EIS. The department adopts by reference the text of WAC 197-10-700, as it existed on January 21, 1978.

[Statutory Authority: RCW 43.21C.120. 78-09-002 (Order 500-DOL), § 308-200A-700, filed 8/3/78. Formerly WAC 308-200-700.]

WAC 308-200A-710 EIS combined with existing planning and review processes. The department adopts by reference the text of WAC 197-10-710, as it existed on January 21, 1978.

[Statutory Authority: RCW 43.21C.120. 78-09-002 (Order 500-DOL), § 308-200A-710, filed 8/3/78. Formerly WAC 308-200-710.]

WAC 308-200A-820 Designation of responsible official. By the terms of WAC 308-200A-175 and 197-10-175, action upon only two licenses issued by the department of licensing is not exempt from compliance with SEPA. These licenses are motor vehicle wrecker licenses and camping club promotional permits. For the former, the responsible official shall be the administrator of the dealer and manufacturer control division. For the latter, the responsible official shall be the administrator of the securities division.

The responsible official shall carry out the duties and functions of the department when it is acting as the lead agency under this chapter.

Should any action of the department, other than action on one of the two aforesaid licenses, be deemed nonexempt from the provisions of SEPA, the responsible official shall be the deputy director of the department of licensing, unless another official shall be so designated by departmental regulation.

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[Statutory Authority: RCW 43.21C.120. 78-09-002 (Order 500-DOL), § 308-200A-820, filed 8/3/78. Formerly WAC 308-200-820.]

WAC 308-200A-831 Responsibility of agencies—SEPA public information. The department adopts by reference the text of WAC 197-10-831, as it existed on January 21, 1978.

[Statutory Authority: RCW 43.21C.120. 78-09-002 (Order 500-DOL), § 308-200A-831, filed 8/3/78.]

WAC 308-200A-840 Application of agency rules to ongoing actions. The department adopts by reference the text of WAC 197-10-840, as it existed on January 21, 1978.

[Statutory Authority: RCW 43.21C.120. 78-09-002 (Order 500-DOL), § 308-200A-840, filed 8/3/78. Formerly WAC 308-200-840.]

WAC 308-200A-860 Fees to cover the costs of SEPA compliance. The department adopts by reference the text of WAC 197-10-860, as it existed on January 21, 1978.

[Statutory Authority: RCW 43.21C.120. 78-09-002 (Order 500-DOL), § 308-200A-860, filed 8/3/78. Formerly WAC 308-200-860.]

APPLICABILITY OF THIS CHAPTER

WAC 308-200A-900 Applicability of this chapter. This chapter integrates the policies and procedures of the State Environmental Policy Act, chapter 43.21C RCW, into the various programs and activities of the department of licensing, its divisions and its affiliated agencies. With a few exceptions for sections peculiar to the department of licensing or in which the department has exercised an option available to it under applicable department of ecology guidelines, this chapter adopts verbatim the language of the respective sections of the department of ecology guidelines, chapter 197-10 WAC. Consequently, references are not usually made directly to the department of licensing, but rather to "lead agency," "consulted agency," etc.; when the department acts as a particular type of agency, reference to that type of agency will apply to the department. Also consequently, some provisions may seem overbroad. Nevertheless, the chapter governs only the SEPA-related actions of the department, its divisions and its affiliated agencies. If the provisions of this chapter do not adequately cover the duties of the department, its divisions and its affiliated agencies on any matter relating to SEPA, chapter 197-10 WAC shall control such duties.

[Statutory Authority: RCW 43.21C.120. 78-09-002 (Order 500-DOL), § 308-200A-900, filed 8/3/78. Formerly WAC 308-200-900.]

WAC 308-200A-910 Severability. The department adopts by reference the text of WAC 197-10-910, as it existed on January 21, 1978.

[Statutory Authority: RCW 43.21C.120. 78-09-002 (Order 500-DOL), § 308-200A-910, filed 8/3/78. Formerly WAC 308-200-910.]

Chapter 308-300 WAC CONSOLIDATED LICENSING SYSTEM

WAC

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308-300-280	Fees and refunds.
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DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

308-300-310	Fee for whitewater river for-hire registration. [Statutory Authority: 1986 c 217 § 11(2) and RCW 43.24.086. 86-15-037 (Order BLS 100), § 308-300-310, filed 7/15/86.] Repealed by 98-03-055, filed 1/16/98, effective 2/16/98. Statutory Authority: RCW 88.12.276 and 1997 c 391 9.
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WAC 308-300-010 Declaration of purpose and authority. This chapter is enacted to implement chapter 19.02 RCW the Business License Center Act, chapter 319, Laws of 1977 ex. sess., wherein the department of licensing has been directed to establish a consolidated master license system for businesses in the state. It is the belief of the department of licensing that the passage of the Business License Center Act by the legislature has, in certain instances, expressly and by implication amended, repealed or otherwise modified existing statutes and rules in those areas addressed by the act.

Therefore, the following rules are promulgated and published pursuant to the authority granted by sections 3(6) and 6 of the Business License Center Act RCW 19.02.030(6) and 19.02.060 to interpret for affected businesses and state agencies the process by which the licenses, permits, registrations, certificates, and other forms of licensing authorization referred to in this chapter of the regulations are to be administered by the department of licensing.

The department of licensing hereby phases the grocery related consolidated licensing program heretofore operated by the department of commerce and economic development into the department of licensing division entitled the business license center, to further the purposes of the Business License Center Act.

[Order 476-DOL, § 308-300-010, filed 12/30/77.]

WAC 308-300-020 Definitions. The following definitions apply to use of these terms in relation to the Business License Center Act.

(1) "Act" means the Business License Center Act, RCW 19.02, chapter 319, Laws of 1977 ex. sess.

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(2) "Agencies" means all state agencies having jurisdiction over businesses covered under this act.

(3) "BLC" means the business license center.

(4) "Business" means any business covered under the terms of this chapter (see WAC 308-300-040).

(5) "Chapter" means this chapter of the administrative code.

(6) "Department" means the department of licensing.

(7) "Grant" means to authorize or approve the issuance of an individual license and granted individual license stickers to businesses covered by this chapter.

(8) "Individual license" means any of the licenses, registrations, permits, certificates or other forms of authorization covered under this chapter (see WAC 308-300-040).

(9) "Issue" means to process fees and applications and transmit master licenses.

(10) "Master application" means a document incorporating pertinent data from existing applications for licenses covered under this chapter.

(11) "Master license" means the single document to be issued by the department of licensing incorporating all individual licenses approved for a business covered under this chapter.

(12) "Person" means any individual, partnership, cooperative, or private corporation, attempting to establish a grocery operation in a new location, or seeking to continue an existing grocery operation.

(13) "Station" means any of the department's driver license examining stations located throughout the state.

(14) "Standard industrial classification (SIC)" is a system for classifying establishments by activity, prepared by the United States Office of Statistical Standards.

(15) "Supplemental license" means a license which is part of the master license issued after a master license has been issued to a business covered by this chapter.

(16) "Unique identifier" is a designation assigned to each master license by which the person licenses [licensed], and the individual licenses issued, may be identified.

[Order 476-DOL, § 308-300-020, filed 12/30/77.]

WAC 308-300-030 Licenses which are included on the master license. The following registrations, licenses and permits as required for those businesses in WAC 308-300-040 shall be included within this chapter:

Registration	Dept. of Revenue
Corporate License (renewal only)	Secretary of State
Corporate Annual Report	Secretary of State
*Registration for Industrial Insurance	Dept. of Labor and Industries
Registration for Unemployment Insurance	Dept. of Employment Security
Permit to Employ Minors	Dept. of Labor and Industries
Cigarette Dealer License	Dept. of Revenue
Cigarette Dealer Vending Machine License	Dept. of Revenue
Nursery License	Dept. of Agriculture
Egg Dealer License	Dept. of Agriculture
Seed Dealer License	Dept. of Agriculture
Bakery and Bakery Distributor's License	Dept. of Agriculture
Pesticide Dealer License	Dept. of Agriculture
Refrigerated Locker License	Dept. of Agriculture
**Class E Beer License	Liquor Control Board
**Class F Wine License	Liquor Control Board
Furniture and Bedding Certificate	Dept. of Social and Health Services
Shopkeepers License	Board of Pharmacy

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* If risk classification of industrial insurance other than those required of businesses within SIC group 54 is involved, the applicant must apply directly to the department of labor and industries.

** If A, B, C, or D classes of liquor licenses are required in combination with Class E and/or F licenses, the E and F license(s) shall not be available under this program and the applicant must apply directly to the liquor control board.

[Statutory Authority: RCW 19.02.030(6). 79-01-088 (Order 524-DOL), § 308-300-030, filed 1/3/79; Order 476-DOL, § 308-300-030, filed 12/30/77.]

WAC 308-300-040 Businesses covered. The following businesses shall be covered within this chapter:

(1) Any retail business engaged in the sale of food products (except those businesses selling exclusively fully prepared meals), beverages, and common household goods. Specifically, this will include those businesses classified under SIC group 54 which includes:

- Supermarkets, food stores, grocery stores
- Delicatessens
- Retail coffee, tea, or spice stores
- Fruit and/or vegetable stores or stands
- Candy, confectionery and/or nut stands
- Retail dairy product stores
- Retail bakeries
- Dietetic food stores
- Health food stores
- Vitamin food stores
- Retail egg and poultry dealers

(2) Businesses owning and servicing vending machines dispensing food products, beverages, or common household goods.

(3) Other retail businesses engaged in the sale of food products (except businesses exclusively selling fully prepared meals), beverages, and common household goods along with other products and/or services. These businesses are covered to the extent of their grocery-related activities (i.e., those licenses referenced in WAC 308-300-030).

(4) This section does not include door-to-door salespersons.

[Order 476-DOL, § 308-300-040, filed 12/30/77.]

WAC 308-300-050 Qualified applicants. Any person requiring a license or other form of authorization for businesses in WAC 308-300-040 shall apply for a master license. A person wishing to do business as a corporation must be duly registered and in good standing with the secretary of state. Prior to issuance of a master license the department will verify corporate status.

[Order 476-DOL, § 308-300-050, filed 12/30/77.]

WAC 308-300-060 Participation. No agency will issue licenses directly to any business within the scope of WAC 308-300-040. It shall be the responsibility of each agency to direct any persons covered by this program to the business license center and to the provisions for licensing herein which must be followed to lawfully engage in the business covered by this chapter.

[Order 476-DOL, § 308-300-060, filed 12/30/77.]

WAC 308-300-070 Authority to prepare forms. The department shall prepare a master application, master license (2007 Ed.)

and other forms as required to implement this act. Revisions will be made as appropriate.

[Order 476-DOL, § 308-300-070, filed 12/30/77.]

WAC 308-300-075 Handling fee. Beginning July 1, 1990, a master license handling fee of twelve dollars shall apply to all master business applications for original licenses, permits, or registrations.

Original licenses, permits, or registrations are those that are not currently held by a business and are being sought for the first time through the use of a master application.

Applications for additional licenses, permits, or registrations received within sixty days following the initial application shall be deemed to be part of the first application.

[Statutory Authority: RCW 34.05.220 and 1990 c 264. 90-17-062, § 308-300-075, filed 8/15/90, effective 9/15/90.]

WAC 308-300-080 Procedures for obtaining master application. (1) Master application forms, along with appropriate written instructions, will be available at the business license center in the department of licensing, Olympia, Washington. Application forms will also be available at such other locations as the director in the director's discretion elects.

(2) All completed application forms, along with appropriate fees, shall be returned to the business license center. Inquiries concerning the master application form will be directed to the business license center.

Business License Center
Department of Licensing
Highways-Licenses Building
Olympia, Washington 98504.

[Order 476-DOL, § 308-300-080, filed 12/30/77.]

WAC 308-300-090 Transfer of master license. Transfer of the master license, including each license held thereunder, is prohibited, except as specifically provided below.

Persons obtaining such businesses, or interests in such businesses, as require that a new master license be issued, or that any new individual license included under this chapter be issued under the rules of the subject granting agency or agencies, prior to the expiration of the then current master license must submit application for licensure themselves, together with all required fees, to the business license center and themselves receive licensure prior to operating a business. If a reduced fee is, or reduced fees are, permitted by the granting agency(ies) when licensing persons to whom a business has been transferred, or who have acquired interest in the business, those fees shall be used in computing the total fee due for such licensure.

Persons operating or conducting a business or businesses covered by this chapter without first having obtained a master license which includes such business or businesses, shall be subject to all applicable penalties for operating such business or businesses without licensure.

In the event of the proven incapacity, death, receivership, bankruptcy, or assignment for benefit of creditors of any licensee, the license may be transferred to a court appointed or court confirmed guardian, executor or administrator, receiver, trustee, or assignee for the benefit of credi-

tors, who may continue to operate the activity under the license, subject to the rules of the individual agencies.

[Order 476-DOL, § 308-300-090, filed 12/30/77.]

WAC 308-300-100 Notification of changes. When information filed with the business license center in, or in connection with, a master license application, or otherwise, changes, or becomes inaccurate in any way, or additions or deletions are necessary to reflect changes in the circumstances of the licensee or applicant or any other person, since the information was filed, the applicant or licensee shall immediately notify the business license center in writing of such change or correction. Notification shall be made in advance of the change where possible, and in no event shall be received at the business license center later than thirty days following the change.

Where the rules of the granting agency require notice of a change in advance of a change, or a certain period of time in advance of the change, that requirement shall be met by the licensee.

Where changes require the approval of the granting agency before implementing the change (for example, as is often the case with a change of name or a change of location of the business), the change shall not be implemented until the licensee receives written notice of approval of the change from the state.

Where a fee is required by a granting agency in connection with the change, that fee shall be submitted with notice of the change. Such fees will be processed in the same manner as those fees received with license applications.

Where the change is of such magnitude or character as to require a new master license or a new license from any granting agency or agencies under the rules of such agency or agencies, the person or persons seeking the license shall submit a new master application, setting out the particular licenses sought, together with the total of all fees required by the granting agency for such license. See WAC 308-300-090.

[Order 476-DOL, § 308-300-100, filed 12/30/77.]

WAC 308-300-110 Issuance of master license. (1) Upon compliance with WAC 308-300-160 on payment of fees, the department will issue and mail the applicant a master license incorporating all individual licenses approved at that time. Initial coverage under this chapter will be acknowledged by issuance of a master license with individual stickers affixed for each individual license issued.

An applicant may request that no master license be issued pending approval of liquor licenses and other licenses within subsection (4) in which event the department will withhold processing of all licenses until determination of liquor licenses has been made.

(2) In those instances where a license is granted by an agency upon receipt of the application and fee payment, the department, upon approval of the appropriate agency, shall issue the license upon proper receipt of those items. This subsection applies to:

(a) Department of revenue; registration, cigarette dealer license, cigarette dealer vending machine license.

(b) Secretary of state, corporate license (renewal only), corporate annual report.

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(c) Department of labor and industries; registration for industrial insurance.

(d) Department of employment security; registration for unemployment insurance.

(e) Department of agriculture; nursery license, egg dealer license, seed dealer license.

(f) Department of social and health services; furniture and bedding certificate.

(g) Board of pharmacy; shopkeepers license.

(3) For each of the supplemental licenses specified below, each agency shall, within 21 days of its notification of license application by the department, inform the department of its approval or denial of the licenses sought. This subsection applies to:

(a) Department of agriculture; refrigerated locker license, pesticide dealer license, bakery and bakery distributors license.

(b) Department of labor and industries; minor work permit.

(4) Due to special investigative procedures, liquor licenses and other licenses, permits, certificates, and registrations which require lengthy investigative procedures will be handled as supplemental licenses in accordance with subsection (5). Upon approval by the appropriate agency, the license will be mailed to the licensee by the department to be affixed to the master license.

(5) The department shall be notified of reasons for delay if approval or denial of those licenses in subsection (3) has not been given in 21 days, and of reasons for delay if approval or denial of those licenses in subsection (4) has not been given within 60 days.

(6) This section shall not apply to the renewal of a license to the original licensee. In such a case individual licenses shall be issued pending approval or denial by the agencies in accordance with RCW 34.04.170 and WAC 308-300-140(1).

(7) It shall remain the responsibility of the appropriate agencies to provide the applicant with materials, information, and instructions pertinent to their periodic reports and other requirements.

[Statutory Authority: RCW 19.02.030(3). 05-05-029, § 308-300-110, filed 2/10/05, effective 3/13/05. Statutory Authority: RCW 19.02.030(6). 79-01-088 (Order 524-DOL), § 308-300-110, filed 1/3/79; Order 476-DOL, § 308-300-110, filed 12/30/77.]

WAC 308-300-120 Assignment of renewal schedules.

(1) The department shall assign to each business a common expiration date for all licenses covered by this chapter, with subsequent renewals to be made at yearly intervals thereafter. This section supersedes existing renewal schedules currently operative for all individual licenses required by businesses covered under the act.

(2) Each business shall be assigned a master license expiration date on the following schedule. Fees for such licenses will be charged at the full annual rate, except as set forth in WAC 308-300-170(2):

(a) New applicants; last day of the month of receipt of the application.

(b) Existing business brought into the system; distributed evenly on a monthly basis throughout the year.

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(c) New branches; expiration date will be adjusted as required to conform to a common date simultaneous to the majority of the applicant's business branches.

(d) Supplemental license(s); will expire on the same date as the master.

(3) The department will consider requests from applicants for exceptions to assigned renewal dates. Approval will be at the discretion of the department.

[Order 476-DOL, § 308-300-120, filed 12/30/77.]

WAC 308-300-130 Renewal notices and procedures.

Renewal notices indicating fees to be paid for the licenses then held by the licensee will be mailed to the licensee approximately 45 days prior to license expiration. Applications for renewals shall be made by current licensees by providing the information requested and remitting required fees to the department in accordance with WAC 308-300-160. Renewal acknowledgement will be sent to the licensee by the department in the form of a renewal registration sticker to be affixed to the existing master license.

[Order 476-DOL, § 308-300-130, filed 12/30/77.]

WAC 308-300-140 Renewal of licenses. (1) Following issuance of the master license, individual licenses will be renewed and issued by the department under conditions originally imposed by the agencies unless specific instructions have been received by the department from an agency to deny or otherwise restrict a license. The department will verify corporate status with the secretary of state.

(2) It will be the responsibility of the liquor control board to initiate any special investigations sufficiently in advance of the license expiration date to be able to notify the department of appropriate actions 15 days prior to expiration. Provision will be made for the liquor control board to obtain a listing of all expiring licenses at least 60 days prior to the expiration date.

(3) The department will not issue renewals prior to 15 days before the expiration date.

(4) Following issuance of each renewal license, appropriate agencies will be notified of the licenses issued and corresponding expiration dates.

[Order 476-DOL, § 308-300-140, filed 12/30/77.]

WAC 308-300-150 Voiding notices and procedures.

(1) The agencies will notify the department of any suspensions, revocations, or denials. Nothing contained herein changes the agencies' rules and regulations for determining when suspensions, revocations, or denials are required. The department will provide stickers for voiding individual licenses on the master license document. When an agency orders denial of an individual license, a voiding sticker shall be placed over the individual license to be terminated. Voiding stickers may be handled either by mail or affixed by an inspector or enforcement officer when immediate action is necessary.

(2) When a licensee desires to delete any individual license from their master license, they shall notify the department and the department shall send the voiding stickers to be affixed to the master license by the licensee.

[Order 476-DOL, § 308-300-150, filed 12/30/77.]

(2007 Ed.)

WAC 308-300-160 Total fee payable—Handling of fees. (1) The total fee payable shall be the total amount of all individual license fees, late filing fees, other penalty fees, and the industrial insurance premium deposit on original application, if applicable. Payment shall be by check or money order, payable to the department of licensing at the time of application.

(2) The total fee payments in subsection (1) will be deposited within one working day of receipt by the department into an undistributed receipts account. The amount of the total fee payment attributable to the assigned initial risk classification and resulting industrial insurance premium deposit will be transferred to the account of the department of labor and industries. An itemization of the amounts received from each applicant and pertinent application information will be transmitted to the department of labor and industries.

(3) The department will distribute the fees received for individual licenses issued or renewed at least once a month to the appropriate agencies. Liquor license fees and fees received for other licenses for which the appropriate agency has withheld notification of approval or denial will be held in the undistributed receipts account of the department until those licenses are issued or denied.

(4) The master license will not be issued until the full amount of the total fee payable is collected. When the fee payment received is less than the total fee payable, the department will bill the applicant for the balance.

(5) When an individual license is denied or when an applicant withdraws an application, a refund shall be made if authorized by the appropriate agency.

[Order 476-DOL, § 308-300-160, filed 12/30/77.]

WAC 308-300-170 Prorating of fees. (1) When additional licenses are added to WAC 308-300-030 or additional businesses are added to WAC 308-300-040, or when licenses within the scope of WAC 308-300-030 and 308-300-040, referred to above are encompassed in the system for the first time there will be a prorating of fees, where necessitated by renewal dates authorized by the department. This prorating of fees shall be computed on a monthly basis (i.e., one-twelfth of the annual payment per month) and added to or subtracted from the regular annual fee. Prorating shall be based on the number of whole months between the previous expiration date and the next renewal date.

(2) Prorated fees will be made for supplemental licenses and new branch licenses based on the number of whole months to the expiration of the master license, if authorized by the appropriate agency.

[Order 476-DOL, § 308-300-170, filed 12/30/77.]

WAC 308-300-180 Late filing procedures. A late filing penalty may be charged for licenses not renewed by the expiration date. The late filing fee shall be computed according to existing agency statutes. Agency late filing dates are superseded by the date given by the department on the master license. Penalty fees will be deposited in the department's undistributed receipts fund to be forwarded to each appropriate agency. The department shall notify the other agencies of delinquent renewals.

[Order 476-DOL, § 308-300-180, filed 12/30/77.]

WAC 308-300-190 Posting. The master license shall be posted on the licensee's premises, preferably in the office area, and shall be visible and easily accessible for inspection purposes by the agencies.

[Order 476-DOL, § 308-300-190, filed 12/30/77.]

WAC 308-300-200 Misuse of master license. Defacing, remarking, or misusing the master license in any manner, including noncompliance with official requests of the department, will expose the violator to all penalties applicable to any of the individual licenses appearing on the master license.

[Order 476-DOL, § 308-300-200, filed 12/30/77.]

WAC 308-300-210 Declaration of purpose and authority. This chapter is enacted to implement sections 1 and 3, chapter 22, Laws of 1979 1st ex. sess.; wherein the director of the department of licensing is given the duty to administer chapter 19.80 RCW and is empowered to promulgate rules and regulations.

[Statutory Authority: 1979 1st ex.s. c 22 § 3. 79-09-123 (Order 551-DOL), § 308-300-210, filed 9/5/79.]

WAC 308-300-215 Master license service (MLS) state grant program. (1) The department's master license service (MLS) will provide information about the grant program, established in RCW 19.02.310, to Washington cities, towns, other state agencies and counties, at least once each calendar year, beginning in 2006.

(a) The MLS state grant program will begin in 2006. Applications will be accepted beginning January 3, 2006. Subject to the ongoing availability of funds, applicants will be notified about the department's decision on their completed application within sixty days. The department may fund all or portions of eligible grant applications.

(b) Prospective grant applicants may contact MLS staff for assistance with completion of the grant application, to include assistance by way of telephone or in-person contact.

(c) Applications and further information may be obtained from the Grants Coordinator, Master License Service, P.O. Box 9034, Olympia, WA 98507-9034.

(2) Eligible activities and expenses for grant funds can include, but are not limited to, reasonable expenses for: Information technology hardware and software, consultants and temporary staff.

(3) Two types of grants may be awarded: Phased grants, such as eighty percent initially and twenty percent upon completion, or reimbursement grants, in which payments are tied to deliverables or milestones.

(4) Before grant funds are provided, an agreement will be signed by the grantee and MLS that includes provisions for managing the grant, expenditure tracking and performance reporting.

(5) In determining the readiness of a prospective state agency or local government partner applicant to obtain a grant, the MLS may consider factors such as:

(a) Identified limitations or obstacles to becoming partnered with MLS;

(b) Flexibility within the entity's internal infrastructure;

(c) The scope of the project for which the grant funds are requested;

(d) The prospective partner's budget, including in-kind commitments and estimated transition costs;

(e) Project management experience;

(f) The cost/benefit ratio for a city partnership with MLS. The cost/benefit ratio shall be determined by estimating the cost for a city applicant to become a feasible partner with MLS; and

(g) Proposed performance measures.

(6) The department may convene an objective review panel to evaluate grant applications.

[Statutory Authority: RCW 19.02.030. 06-05-037, § 308-300-215, filed 2/9/06, effective 3/12/06.]

WAC 308-300-220 Definitions. The following definitions apply to use of these terms in RCW 19.80.010:

(1) Style means: As used in these rules, title or appellation of a person.

(2) Trade name, as used in these rules, means assumed name, that is:

(a) The name taken up or adopted by a person or persons which does not include the true and real name of that person or persons, for the conduct of or intent to conduct business; or

(b) Any name that does not include the true and real names of all persons conducting that business or with an interest therein; or

(c) Any name that includes words which suggest additional parties of interest such as "company," "and sons," "and associates."

(3) Application means the master application as prescribed by chapter 19.02 RCW.

(4) Director means the director of the department of licensing.

(5) Department means the department of licensing.

[Statutory Authority: RCW 19.80.045. 92-10-010, § 308-300-220, filed 4/24/92, effective 6/1/92. Statutory Authority: Chapter 19.80 RCW. 81-02-038 (Order 601-DOL), § 308-300-220, filed 1/6/81. Statutory Authority: 1979 1st ex.s. c 22 § 3. 79-09-123 (Order 551-DOL), § 308-300-220, filed 9/5/79.]

WAC 308-300-230 Required registration of trade name. Any person or persons who conduct or intend to conduct a business under a trade name must register that name with the department. The person or all the persons conducting that business or having an interest therein shall register a trade name with the department. The application for registration of trade name shall set forth:

(1) The designation, name or style under which the business is to be conducted.

(2) The real and true name of each person conducting or intending to conduct the business, or having an interest therein, together with the mailing address and an authorized signature of a person having an interest therein.

(3) Every county in the state of Washington in which the trade name or other designation, name or style is used or intended to be used to carry on, conduct or transact business.

(4) Any other information as the director may require.

Upon receipt of a properly completed application for trade name registration and proper fee payment, the depart-

ment shall register the trade name. Such registration shall remain in effect until cancelled.

[Statutory Authority: RCW 19.80.045. 92-10-010, § 308-300-230, filed 4/24/92, effective 6/1/92. Statutory Authority: 1979 1st ex.s. c 22 § 3. 79-09-123 (Order 551-DOL), § 308-300-230, filed 9/5/79.]

WAC 308-300-240 Cancellation. (1) A notice of cancellation shall be filed with the department when use of a trade name is discontinued.

(2) A notice of cancellation, together with a new application for registration of trade name shall be filed when:

(a) There is an addition, deletion or any change of person or persons set forth on the application for registration of trade name as those conducting or intending to conduct business under the registered trade name;

(b) There is a change in the wording or spelling of the registered trade name.

[Statutory Authority: RCW 19.80.045. 92-10-010, § 308-300-240, filed 4/24/92, effective 6/1/92. Statutory Authority: 1979 1st ex.s. c 22 § 3. 79-09-123 (Order 551-DOL), § 308-300-240, filed 9/5/79.]

WAC 308-300-250 Forms. The department shall provide forms for registration of trade name, which must be used to make the required filings and which will be available from the following:

(1) Business license services of the department of licensing; and

(2) Other distribution points as the director deems appropriate.

[Statutory Authority: RCW 19.80.045. 92-10-010, § 308-300-250, filed 4/24/92, effective 6/1/92. Statutory Authority: 1979 1st ex.s. c 22 § 3. 79-09-123 (Order 551-DOL), § 308-300-250, filed 9/5/79.]

WAC 308-300-260 Records—Transfer from counties to department. (1) Trade name records filed with the county clerks prior to the 1979 act, related files, and cross-referenced materials will be transferred to the department no later than October 1, 1979.

(2) Once the records are transferred, the director shall provide for preservation, storage, and access of such records.

[Statutory Authority: 1979 1st ex.s. c 22 § 3. 79-09-123 (Order 551-DOL), § 308-300-260, filed 9/5/79.]

WAC 308-300-270 Searches. Upon request and the payment of fees as specified in WAC 308-300-280, the department shall make a comprehensive search of the master license service's records to determine any of the following facts:

- (1) Persons conducting business under a trade name;
- (2) Registered trade names;
- (3) Firm names;
- (4) Legal owner names; and
- (5) Verification of business existence.

[Statutory Authority: RCW 19.80.045. 92-10-010, § 308-300-270, filed 4/24/92, effective 6/1/92. Statutory Authority: 1979 1st ex.s. c 22 § 3. 79-09-123 (Order 551-DOL), § 308-300-270, filed 9/5/79.]

WAC 308-300-280 Fees and refunds. (1) The department shall charge and collect:

- (a) Five dollars for registration of trade name;

(2007 Ed.)

(b) Four dollars for each trade name search plus the costs of any electronic medium used;

(c) Two dollars for each letter of certification to accompany copies of the document(s).

(2) No refund of less than five dollars shall be made except upon written request by the registrant.

[Statutory Authority: RCW 19.80.045. 92-10-010, § 308-300-280, filed 4/24/92, effective 6/1/92. Statutory Authority: 1979 1st ex.s. c 22 § 3. 79-09-123 (Order 551-DOL), § 308-300-280, filed 9/5/79.]

WAC 308-300-290 Cross-referencing and public access. The department shall maintain an index of true and real names cross-referenced to trade names and an index of trade names cross-referenced to true and real names, as set forth on certificates of trade name.

[Statutory Authority: 1979 1st ex.s. c 22 § 3. 79-09-123 (Order 551-DOL), § 308-300-290, filed 9/5/79.]

Chapter 308-312 WAC

WHITEWATER RIVER OUTFITTERS

WAC

308-312-010	Definitions.
308-312-020	Whitewater river outfitter license administration office.
308-312-030	Applying for a whitewater river outfitter license.
308-312-040	Renewing a whitewater river outfitter license.
308-312-050	Proof of liability insurance.
308-312-060	Fees.
308-312-080	Appeals of license suspensions.
308-312-100	Proof of having a license.

WAC 308-312-010 Definitions. The following definitions apply to use of these terms in this chapter.

(1) "Business location" means a business office of a whitewater river outfitter. This is a fixed location where business may be conducted with the public and that must post a master license showing "tax registration." It does not mean where river trips take place.

(2) "Master application" means the combined license application form and any addenda provided by the master license service.

(3) "Master license" means the combined license document issued by the master license service.

(4) "Master license service" means the office within the department of licensing operating the master license program, and handling the whitewater river outfitter license.

(5) "Outfitter" means the same as whitewater river outfitter.

(6) "Proof of liability insurance" means the certificate of insurance or other written proof supplied by an insurance provider. The proof lists and guarantees the type and amount of insurance coverage provided and the period of time the coverage is in force.

[Statutory Authority: RCW 88.12.276 and 1997 c 391 § 9. 98-03-055, § 308-312-010, filed 1/16/98, effective 2/16/98.]

WAC 308-312-020 Whitewater river outfitter license administration office. The master license service of the department of licensing handles the whitewater river outfitter license. The office is located at 405 Black Lake Blvd. S.W., Olympia, Washington. Office hours are 8:00 a.m. to 5:00 p.m., Monday through Friday, excluding state holidays. The office can be contacted by mail or phone at:

Department of Licensing
 Master License Service (360) 664-1400
 Post Office Box 9034 fax (360) 753-9668
 Olympia WA 98507-9034 TDD (360) 586-2788

[Statutory Authority: RCW 88.12.276 and 1997 c 391 § 9. 98-03-055, § 308-312-020, filed 1/16/98, effective 2/16/98.]

WAC 308-312-030 Applying for a whitewater river outfitter license. (1) To apply for a license a person must request and file a master application with the master license service. The completed master application must include the information, proof of insurance and certifications listed in RCW 88.12.275 and the fee listed in WAC 308-312-060.

(2) A master license with "whitewater river outfitter" printed on it will be issued after the application has been reviewed and approved. The license application will not be approved and no license will be issued if all the requirements are not met.

(3) Each business location where whitewater river outfitter business is conducted must be licensed even if owned by the same business owner. A separate application must be completed and filed for each business location. Each business location will receive its own master license.

[Statutory Authority: RCW 88.12.276 and 1997 c 391 § 9. 98-03-055, § 308-312-030, filed 1/16/98, effective 2/16/98.]

WAC 308-312-040 Renewing a whitewater river outfitter license. (1) The whitewater river outfitter license must be renewed each year by the expiration date. The master license does not allow conducting business as a whitewater river outfitter after the expiration date shown on the license. A renewal must be filed for each business location.

(2) The master license service will mail a renewal notice to each business location at least 30 days before the license expiration date. The licensee must submit the completed renewal application by the expiration date or the late renewal fee listed in RCW 19.02.085 may be charged.

(3) The completed renewal application must include the information and certifications listed in RCW 88.12.275, and the fee listed in WAC 308-312-060. The whitewater river outfitter license will not be renewed if all the requirements are not met.

(4) If a license renewal has not been filed by at least 4 months after the expiration date the license will be considered to have been abandoned and the license status will be terminated. A licensee whose outfitter license has been terminated because of nonrenewal must file a new application as described in WAC 308-312-030 in order to conduct business as a whitewater river outfitter.

[Statutory Authority: RCW 88.12.276 and 1997 c 391 § 9. 98-03-055, § 308-312-040, filed 1/16/98, effective 2/16/98.]

WAC 308-312-050 Proof of liability insurance. (1) Applicants and licensees must provide proof of having liability insurance coverage to the master license service. The proof of insurance must show the applicant or licensee as the insured, and list the master license service as the certificate holder to be notified of changes. Changes to be reported include cancellation, termination, nonrenewal, and renewal of a policy. Cancellation, termination, or nonrenewal of a

policy must be reported to the master license service at least 30 days before the effective date.

(2) The liability insurance policy may cover outfitter business activities at all locations within the state of Washington. A separate copy of the proof of current liability insurance must accompany each new application for a whitewater river outfitter license.

[Statutory Authority: RCW 88.12.276 and 1997 c 391 § 9. 98-03-055, § 308-312-050, filed 1/16/98, effective 2/16/98.]

WAC 308-312-060 Fees. (1) The following fees apply to the whitewater river outfitter license

(a) New application, \$25.00 per business location.

(b) Annual renewal, \$25.00 per business location.

(2) New and renewal applications are charged the application handling fee listed in RCW 19.02.075.

Delinquent renewal applications may be charged the delinquency fee listed in RCW 19.02.085.

[Statutory Authority: RCW 88.12.276 and 1997 c 391 § 9. 98-03-055, § 308-312-060, filed 1/16/98, effective 2/16/98.]

WAC 308-312-080 Appeals of license suspensions. A whitewater river outfitter licensee may appeal a license suspension by submitting a written notice of appeal to the department of licensing. The notice of appeal must be received by the department of licensing within twenty days after the date the suspension is issued or the right to appeal is waived. If the notice is mailed the United States post office postmark date will be accepted as the date received by the department of licensing. The department of licensing will take action on the notice as directed by the Administrative Procedure Act found in chapter 34.05 RCW.

[Statutory Authority: RCW 88.12.276 and 1997 c 391 § 9. 98-03-055, § 308-312-080, filed 1/16/98, effective 2/16/98.]

WAC 308-312-100 Proof of having a license. Persons conducting a whitewater river trip must be able to show proof of operating with a valid outfitter license to law enforcement officials. Proof of having a license must be available at the site where vessels are put into the river, or at the site where vessels are taken out of the river. The proof of having a license is not required to be carried on vessels during a river trip. A photocopy of the original master license that was issued with "whitewater river outfitter" printed on it will be accepted as proof of having a license.

[Statutory Authority: RCW 88.12.276 and 1997 c 391 § 9. 98-03-055, § 308-312-100, filed 1/16/98, effective 2/16/98.]

Chapter 308-320 WAC

COMMERCIAL TELEPHONE SOLICITATION

WAC

308-320-010	Authority and purpose.
308-320-020	Applicable statute.
308-320-030	Definitions.
308-320-040	Registration.
308-320-050	Registration fees.
308-320-060	Annual renewal dates, forms, and fees.
308-320-070	Changes and fees.
308-320-080	Business records.
308-320-090	Director of the department of licensing as repository for notice of purchase cancellation.

WAC 308-320-010 Authority and purpose. These rules are adopted under the authority of chapter 20, Laws of 1989 and RCW 34.05.220 to establish standards for the registration of commercial telephone solicitors as defined by chapter 20, Laws of 1989.

[Statutory Authority: 1989 c 20 and RCW 34.05.220. 90-02-060, § 308-320-010, filed 1/2/90, effective 2/2/90.]

WAC 308-320-020 Applicable statute. The regulations in this chapter shall be considered a supplement to and not a replacement for chapter 20, Laws of 1989 and do not apply to the provisions of RCW 80.36.390 and 80.36.400.

[Statutory Authority: 1989 c 20 and RCW 34.05.220. 90-02-060, § 308-320-020, filed 1/2/90, effective 2/2/90.]

WAC 308-320-030 Definitions. As used in this regulation:

(1) "Business" means any person, sole proprietorship, partnership, corporation, or other concern which engages in commercial telephone solicitation.

(2) "Business location" means the premises where business is conducted.

(3) "Business location address" means the address of the geographic location where the business is conducted.

(4) "Business mailing address" means the address where mail deliveries are made for the business.

(5) "Campaign" means a method of marketing a product or service employing specific incentives, sales techniques, or presentations to prospective purchasers.

(6) "Department" means the department of licensing.

(7) "Manager" means the person in charge of business operations at a business location.

(8) "Nonrefundable fees" means fees which are not returned to an applicant after a registration is issued.

(9) "Nontransferable registration" means a registration that cannot be transferred to another person or business.

(10) "Ownership structure" means the manner in which a business is owned, such as sole proprietorship, partnership, or corporation.

(11) "Proratable fees" means fees that are calculated for a period of time less than twelve months.

(12) "Registration number" means the unified business identifier (UBI) number issued to a business by the state of Washington.

(13) "Solicitor" means a commercial telephone solicitor as defined in chapter 20, Laws of 1989.

(14) "Unified business identifier (UBI)" means a nine-digit number used to identify a business registered or licensed with one or more state agencies.

[Statutory Authority: 1989 c 20 and RCW 34.05.220. 90-02-060, § 308-320-030, filed 1/2/90, effective 2/2/90.]

WAC 308-320-040 Registration. Any commercial telephone solicitor who wishes to engage in commercial telephone solicitation as defined by chapter 20, Laws of 1989 must register with the department by:

(1) Completing the following forms prescribed by the department:

(a) Master business application;

(b) Supplemental information form;

(c) Personal history form for each sole proprietor, partner, manager or the president, vice-president, secretary and treasurer of each corporation; and

(2) Paying the registration fee established in WAC 308-320-060. A commercial telephone solicitor must receive notice of registration from the department prior to conducting business in the state of Washington. A commercial telephone solicitor registration is nontransferable.

[Statutory Authority: 1989 c 20 and RCW 34.05.220. 90-02-060, § 308-320-040, filed 1/2/90, effective 2/2/90.]

WAC 308-320-050 Registration fees. The fee for any commercial telephone solicitor required to register in this state shall be seventy-two dollars for each business location annually. The annual fee shall be proratable and nonrefundable.

[Statutory Authority: 1989 c 20 and RCW 34.05.220. 90-02-060, § 308-320-050, filed 1/2/90, effective 2/2/90.]

WAC 308-320-060 Annual renewal dates, forms, and fees. Registration renewals must be made annually on the form and date required by the department. The fee for annual renewal shall be seventy-two dollars.

[Statutory Authority: 1989 c 20 and RCW 34.05.220. 90-02-060, § 308-320-060, filed 1/2/90, effective 2/2/90.]

WAC 308-320-070 Changes and fees. Registrants shall inform the department of any changes in filed information when the change occurs.

(1) Changes in ownership or ownership structure or a change of more than fifty percent of the partners in a partnership requires submission of a new master business application, new supplemental information statement, new personal history statement(s), and a fee of seventy-two dollars for each business location.

(2) Changes in business location requires a new master business application and a fee of seventy-two dollars.

(3) Changes in managers, general partners of a limited partnership, partners in a general partnership or the president, vice-president, secretary or treasurer of a corporation requires completion of a personal history form for the new individual(s).

(4) Changes in the business mailing address or the location where business records are kept shall be made in writing.

[Statutory Authority: 1989 c 20 and RCW 34.05.220. 90-02-060, § 308-320-070, filed 1/2/90, effective 2/2/90.]

WAC 308-320-080 Business records. A commercial telephone solicitor shall maintain records of each commercial solicitation campaign and shall inform the department of the location where the business records are kept. The following business records shall be kept for a period of two years after the campaign has been completed unless otherwise stated below.

(1) A list of the names, principal residence addresses, and dates of employment of salespersons who solicit on behalf of the commercial telephone solicitor and the name(s) the salesperson(s) uses while soliciting.

(2) A list and a description of the items the solicitor is offering for sale and the suppliers name, address, and telephone number.

(3) A copy of all sales scripts the solicitor requires salespersons to use when soliciting prospective purchasers, or if no sales script is required to be used, a statement to that effect.

(4) A copy of all sales training information and literature, including but not limited to, scripts, outlines, instructions, and information regarding how to conduct telephone sales, sample introductions, sample closings, product information, and contest or premium awards information provided by the solicitor to salespersons in writing or orally, and a copy of all written materials the solicitor sends to any prospective or actual purchaser.

(5) If the solicitor represents or implies, or directs salespersons to represent or imply to purchasers that the purchaser will receive certain specific items or certificates, whether the items or certificates are described as gifts, premiums, bonuses, prizes, or otherwise, the solicitor shall maintain a written record which includes:

(a) A list of the items offered.

(b) The value or worth of each item described to the prospective purchasers and the basis for the valuation.

(c) The price paid by the solicitor to the supplier for each of these items and the name, address and telephone number of each supplier.

(d) Paper documentation of all rules, regulations, terms, and conditions a prospective purchaser must meet in order to receive an item.

(6) If the purchaser is to receive fewer than all of the items described by the solicitor, the record shall include the following:

(a) The manner in which the solicitor decides which item or items a particular prospective purchaser is to receive.

(b) The odds a single prospective purchaser has of receiving each described item.

(c) The name and address of each recipient who has during the preceding twelve months, or as long as the solicitor has been in business if less than twelve months, received the item having:

(i) The greatest value; and

(ii) The item having the least odds of being received.

(7) A historical listing of all products sold by the solicitor clearly showing when the sale of each product was initiated and subsequently terminated.

(8) A list of the business telephone numbers at each location where telephone solicitation is taking place.

(9) The name of the manager or other person in charge at each location where telephone solicitation is taking place.

[Statutory Authority: 1989 c 20 and RCW 34.05.220. 90-02-060, § 308-320-080, filed 1/2/90, effective 2/2/90.]

WAC 308-320-090 Director of the department of licensing as repository for notice of purchase cancellation. In the event that the purchaser is unable to send the notice of cancellation to the seller, the purchaser may send a written notice of cancellation to the Director, Department of Licensing, Business License Services, 405 Black Lake Place, Olympia, WA 98504. When notices of cancellation are mailed to the department, the effective date shall be the postmark date

stamped on the mailing envelope or metered stamp. When notices of cancellation are hand delivered, the effective date shall be upon receipt by the department.

The department shall not be the repository for undeliverable cancelled merchandise.

[Statutory Authority: 1989 c 20 and RCW 34.05.220. 90-02-060, § 308-320-090, filed 1/2/90, effective 2/2/90.]

Chapter 308-330 WAC

WASHINGTON MODEL TRAFFIC ORDINANCE

WAC

308-330-005	Purpose of this chapter.
308-330-010	Amendments to this chapter automatically included.
308-330-030	Uniformity in application.
308-330-100	Chapter 46.04 RCW (Definitions) adopted by reference.
308-330-109	Bus.
308-330-112	Bus stop.
308-330-115	City.
308-330-118	Demolish.
308-330-127	Holidays.
308-330-133	Loading zone.
308-330-136	Official time standard.
308-330-139	Ordinance.
308-330-142	Parking meter.
308-330-145	Parking meter space.
308-330-148	Parking meter zone.
308-330-151	Passenger loading zone.
308-330-154	Planting strip.
308-330-157	Police or police officer.
308-330-160	Police chief or chief of police.
308-330-163	Police department.
308-330-169	School bus zone.
308-330-172	Service parking.
308-330-175	Street.
308-330-178	Taxicab.
308-330-181	Taxicab stand.
308-330-184	Tow truck operator.
308-330-187	Traffic division.
308-330-190	U-turn.
308-330-195	RCW sections adopted—Livestock.
308-330-197	RCW sections adopted—Off-road and nonhighway vehicles.
308-330-200	RCW sections adopted—Snowmobiles.
308-330-205	Public employees to obey traffic regulations.
308-330-210	Police administration.
308-330-215	Duty of traffic division.
308-330-220	Authority of police and fire department officials.
308-330-225	Records of traffic violations.
308-330-230	Traffic division to investigate accidents.
308-330-235	Traffic accident studies.
308-330-240	Traffic accident reports.
308-330-245	Traffic division to submit annual traffic safety report.
308-330-250	Police department to administer bicycle licenses.
308-330-255	Police department to regulate parking meters.
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308-330-550	Bicycles—Parking.
308-330-555	Bicycles—Riding on sidewalks.
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308-330-600	Parking meter spaces.
308-330-610	Parking meters—Deposit of coins and time limits.
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308-330-660	Service parking.
308-330-700	RCW sections adopted—Disposition of traffic infractions.
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308-330-710	Penalties.
308-330-720	Citation on illegally parked vehicle.
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308-330-740	Presumption in reference to illegal parking.
308-330-800	RCW sections adopted—Traffic control devices.
308-330-810	RCW sections adopted—Limited access facilities.
308-330-815	RCW sections adopted—Alcoholic beverage control.
308-330-820	RCW sections adopted—Guide and service dogs.
308-330-825	RCW sections adopted—Littering.
308-330-910	Uniformity of interpretation.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

308-330-121	Department. [Statutory Authority: RCW 46.90.010. 94-01-082, § 308-330-121, filed 12/13/93, effective 7/1/94.] Repealed by 97-10-068, filed 5/5/97, effective 6/5/97. Statutory Authority: RCW 46.90.010.
308-330-123	Director. [Statutory Authority: RCW 46.90.010. 94-01-082, § 308-330-123, filed 12/13/93, effective 7/1/94.] Repealed by 97-10-068, filed 5/5/97, effective 6/5/97. Statutory Authority: RCW 46.90.010.
308-330-329	RCW sections adopted—Rental car businesses. [Statutory Authority: RCW 46.90.010. 94-01-082, § 308-330-329, filed 12/13/93, effective 7/1/94.] Repealed by 97-10-068, filed 5/5/97, effective 6/5/97. Statutory Authority: RCW 46.90.010.
308-330-375	Disposition of abandoned junk motor vehicles. [Statutory Authority: RCW 46.90.010. 94-01-082, § 308-330-375, filed 12/13/93, effective 7/1/94.] Repealed by 97-10-068, filed 5/5/97, effective 6/5/97. Statutory Authority: RCW 46.90.010.

WAC 308-330-005 Purpose of this chapter. The purpose of this chapter is to encourage highway safety and uniform traffic laws by authorizing the department of licensing to adopt a comprehensive compilation of sound, uniform traffic laws to serve as a guide which local authorities may adopt by reference or any part thereof, including all future amendments or additions thereto. Any local authority which adopts this chapter by reference may at any time exclude any section or sections from this chapter which it does not desire to include in its local traffic ordinance. This chapter is not intended to deny any local authority its legislative power, but rather to enhance safe and efficient movement of traffic throughout the state by having current, uniform traffic laws available.

[Statutory Authority: RCW 46.90.010. 94-01-082, § 308-330-005, filed 12/13/93, effective 7/1/94.]

WAC 308-330-010 Amendments to this chapter automatically included. The addition of any new section to, or amendment or repeal of any section in, this chapter shall be deemed to amend any city, town, or county ordinance which has adopted by reference to this chapter or any part thereof, and it shall not be necessary for the legislative authority of any city, town, or county to take any action with respect to such addition, amendment, or repeal notwithstanding the provisions of RCW 35.21.180, 35A.12.140, 35A.13.180, and 36.32.120(7).

[Statutory Authority: RCW 46.90.010. 94-01-082, § 308-330-010, filed 12/13/93, effective 7/1/94.]

WAC 308-330-030 Uniformity in application. The provisions of this chapter relating to the operation of vehicles shall be applicable and uniform upon all persons operating vehicles upon the public highways of this state, except as otherwise specifically provided.

[Statutory Authority: RCW 46.90.010. 94-01-082, § 308-330-030, filed 12/13/93, effective 7/1/94.]

WAC 308-330-100 Chapter 46.04 RCW (Definitions) adopted by reference. All sections of chapter 46.04 RCW as now or hereafter amended are hereby adopted by reference as a part of this chapter in all respects as though such sections were set forth herein in full.

[Statutory Authority: RCW 46.90.010. 94-01-082, § 308-330-100, filed 12/13/93, effective 7/1/94.]

WAC 308-330-109 Bus. "Bus" means every motor vehicle designed for carrying more than ten passengers and used for transportation of persons, and every motor vehicle, other than a taxicab, designed and used for the transportation of persons for compensation.

[Statutory Authority: RCW 46.90.010. 94-01-082, § 308-330-109, filed 12/13/93, effective 7/1/94.]

WAC 308-330-112 Bus stop. "Bus stop" means a fixed portion of the highway parallel and adjacent to the curb to be reserved exclusively for buses for layover in operating schedules or while waiting for, loading, or unloading passengers: Provided, That such bus provides regularly scheduled service within the jurisdiction of the local authority.

[Statutory Authority: RCW 46.90.010. 94-01-082, § 308-330-112, filed 12/13/93, effective 7/1/94.]

WAC 308-330-115 City. "City" means every incorporated city and town.

[Statutory Authority: RCW 46.90.010. 94-01-082, § 308-330-115, filed 12/13/93, effective 7/1/94.]

WAC 308-330-118 Demolish. "Demolish" means to destroy completely by use of a hydraulic baler and shears, or a shredder.

[Statutory Authority: RCW 46.90.010. 94-01-082, § 308-330-118, filed 12/13/93, effective 7/1/94.]

WAC 308-330-127 Holidays. "Holidays" include the first day of January, commonly called New Year's Day; the third Monday in January, commonly called Martin Luther King Jr. day; the third Monday of February, being celebrated as the anniversary of the birth of George Washington; the thirtieth day of May, commonly known as Memorial Day; the fourth day of July, being the anniversary of the Declaration of Independence; the first Monday in September, to be known as Labor Day; the fourth Thursday in November, to be known as Thanksgiving Day; the twenty-fifth day of December, commonly called Christmas Day; and any other day specified by ordinance by the local authority to be a holiday. Whenever any holiday falls upon a Sunday, the following Monday shall be a holiday.

[Statutory Authority: RCW 46.90.010. 94-01-082, § 308-330-127, filed 12/13/93, effective 7/1/94.]

WAC 308-330-133 Loading zone. "Loading zone" means a space reserved for the exclusive use of vehicles during the loading or unloading of property or passengers.

[Statutory Authority: RCW 46.90.010. 94-01-082, § 308-330-133, filed 12/13/93, effective 7/1/94.]

WAC 308-330-136 Official time standard. "Official time standard" means, whenever certain hours are named, standard time or daylight saving time as may be in current use within the jurisdiction of the local authority.

[Statutory Authority: RCW 46.90.010. 94-01-082, § 308-330-136, filed 12/13/93, effective 7/1/94.]

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WAC 308-330-139 Ordinance. "Ordinance" means a city or town ordinance or a county ordinance or resolution.

[Statutory Authority: RCW 46.90.010. 94-01-082, § 308-330-139, filed 12/13/93, effective 7/1/94.]

WAC 308-330-142 Parking meter. "Parking meter" means any mechanical device or meter placed or erected adjacent to a parking meter space, for the purpose of regulating or controlling the period of time of occupancy of such parking meter space by any vehicle. Each parking meter installed shall indicate by proper legend the legal parking time and when operated shall at all times indicate the balance of legal parking time, and at the expiration of such period shall indicate illegal or overtime parking. Each meter shall bear a legend indicating the days and hours when the requirement to deposit coins therein shall apply, the value of the coins to be deposited, and the limited period of time for which parking is lawfully permitted in the parking meter space in which such meter is located.

[Statutory Authority: RCW 46.90.010. 94-01-082, § 308-330-142, filed 12/13/93, effective 7/1/94.]

WAC 308-330-145 Parking meter space. "Parking meter space" means any space within a parking meter zone, adjacent to a parking meter and which is duly designated for the parking of a single vehicle by appropriate markings on the pavement and/or the curb.

[Statutory Authority: RCW 46.90.010. 94-01-082, § 308-330-145, filed 12/13/93, effective 7/1/94.]

WAC 308-330-148 Parking meter zone. "Parking meter zone" means any highway or part thereof or any off-street parking lot on which parking meters are installed and in operation.

[Statutory Authority: RCW 46.90.010. 94-01-082, § 308-330-148, filed 12/13/93, effective 7/1/94.]

WAC 308-330-151 Passenger loading zone. "Passenger loading zone" means a place reserved for the exclusive use of vehicles while receiving or discharging passengers.

[Statutory Authority: RCW 46.90.010. 94-01-082, § 308-330-151, filed 12/13/93, effective 7/1/94.]

WAC 308-330-154 Planting strip. "Planting strip" means that portion of a highway lying between the constructed curb, or edge of the roadway, and the property line exclusive of the sidewalk area.

[Statutory Authority: RCW 46.90.010. 94-01-082, § 308-330-154, filed 12/13/93, effective 7/1/94.]

WAC 308-330-157 Police or police officer. "Police or police officer" includes, in addition to the meaning in RCW 46.04.391, the police officers of a city, a town, marshal, or the sheriff and his/her deputies of a county whichever is applicable, but when the term sheriff is used in this chapter, it shall only mean the sheriff.

[Statutory Authority: RCW 46.90.010. 94-23-029, § 308-330-157, filed 11/8/94, effective 12/9/94; 94-01-082, § 308-330-157, filed 12/13/93, effective 7/1/94.]

WAC 308-330-160 Police chief or chief of police.

"Police chief or chief of police" includes the police chief or chief police officer of a city, a town marshal, or the sheriff of a county, whichever is applicable, but when the term sheriff is used in this chapter, it shall only mean the sheriff.

[Statutory Authority: RCW 46.90.010. 94-01-082, § 308-330-160, filed 12/13/93, effective 7/1/94.]

WAC 308-330-163 Police department.

"Police department" includes the police department of a city or town or the sheriff's office of a county whichever is applicable, but when the term sheriff is used in this chapter, it shall only mean the sheriff.

[Statutory Authority: RCW 46.90.010. 94-01-082, § 308-330-163, filed 12/13/93, effective 7/1/94.]

WAC 308-330-169 School bus zone.

"School bus zone" means a designated portion of the highway along the curb reserved for loading and unloading school buses during designated hours.

[Statutory Authority: RCW 46.90.010. 94-01-082, § 308-330-169, filed 12/13/93, effective 7/1/94.]

WAC 308-330-172 Service parking.

"Service parking" means the use of a parking meter space while rendering service in cleaning, painting, adjusting, or making minor repairs or replacements in or to buildings or building equipment or to public utilities.

[Statutory Authority: RCW 46.90.010. 94-01-082, § 308-330-172, filed 12/13/93, effective 7/1/94.]

WAC 308-330-175 Street.

"Street" means a "city street."

[Statutory Authority: RCW 46.90.010. 94-01-082, § 308-330-175, filed 12/13/93, effective 7/1/94.]

WAC 308-330-178 Taxicab.

"Taxicab" means a motor vehicle for hire used for the transportation of persons for compensation, and not operated exclusively over a fixed route or between fixed termini.

[Statutory Authority: RCW 46.90.010. 94-01-082, § 308-330-178, filed 12/13/93, effective 7/1/94.]

WAC 308-330-181 Taxicab stand.

"Taxicab stand" means a fixed portion of a highway set aside for taxicabs to stand or wait for passengers.

[Statutory Authority: RCW 46.90.010. 94-01-082, § 308-330-181, filed 12/13/93, effective 7/1/94.]

WAC 308-330-184 Tow truck operator.

"Tow truck operator" means a person, firm, partnership, association, or corporation which, in its course of business, provides towing services for vehicles and automobile hulks.

[Statutory Authority: RCW 46.90.010. 94-01-082, § 308-330-184, filed 12/13/93, effective 7/1/94.]

WAC 308-330-187 Traffic division.

"Traffic division" means the traffic division of the police department of the local authority, or in the event a traffic division is not established, then said term whenever used in this chapter shall be

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deemed to refer to the police department of the local authority.

[Statutory Authority: RCW 46.90.010. 94-01-082, § 308-330-187, filed 12/13/93, effective 7/1/94.]

WAC 308-330-190 U-turn.

"U-turn" means turning a vehicle so as to proceed in the opposite direction on the same roadway.

[Statutory Authority: RCW 46.90.010. 94-01-082, § 308-330-190, filed 12/13/93, effective 7/1/94.]

WAC 308-330-195 RCW sections adopted—Live-stock.

The following sections of the Revised Code of Washington (RCW) pertaining to livestock on highway right of way as now or hereafter amended are hereby adopted by reference as a part of this chapter in all respects as though such sections were set forth herein in full: RCW 16.24.065, and 16.24.070.

[Statutory Authority: RCW 46.90.010. 94-01-082, § 308-330-195, filed 12/13/93, effective 7/1/94.]

WAC 308-330-197 RCW sections adopted—Off-road and nonhighway vehicles.

The following sections of the Revised Code of Washington (RCW) pertaining to off road and nonhighway vehicles as now or hereafter amended are hereby adopted by reference as a part of this chapter in all respects as though such sections were set forth herein in full: RCW 46.09.020, 46.09.040, 46.09.085, 46.09.120, 46.09.-130, 46.09.140, 46.09.180, and 46.09.190.

[Statutory Authority: RCW 46.90.010. 04-18-061, § 308-330-197, filed 8/27/04, effective 9/27/04; 97-10-068, § 308-330-197, filed 5/5/97, effective 6/5/97; 94-23-029, § 308-330-197, filed 11/8/94, effective 12/9/94; 94-01-082, § 308-330-197, filed 12/13/93, effective 7/1/94.]

WAC 308-330-200 RCW sections adopted—Snow-mobiles.

The following sections of the Revised Code of Washington (RCW) pertaining to snowmobiles as now or hereafter amended are hereby adopted by reference as a part of this chapter in all respects as though such sections were set forth herein in full: RCW 46.10.010, 46.10.020, 46.10.090, 46.10.100, 46.10.110, 46.10.120, 46.10.130, 46.10.140, and 46.10.190.

[Statutory Authority: RCW 46.90.010. 97-10-068, § 308-330-200, filed 5/5/97, effective 6/5/97; 94-01-082, § 308-330-200, filed 12/13/93, effective 7/1/94.]

WAC 308-330-205 Public employees to obey traffic regulations.

The provisions of this chapter shall apply to the drivers of all vehicles owned or operated by the United States, the state, or any county, city, town, district, or any other political subdivision of the state, subject to such specific exceptions as are set forth in this chapter.

[Statutory Authority: RCW 46.90.010. 94-01-082, § 308-330-205, filed 12/13/93, effective 7/1/94.]

WAC 308-330-210 Police administration.

There is established in the police department of the local authority a traffic division to be under the control of a police officer appointed by, and directly responsible to, the chief of police.

[Statutory Authority: RCW 46.90.010. 94-01-082, § 308-330-210, filed 12/13/93, effective 7/1/94.]

WAC 308-330-215 Duty of traffic division. It shall be the duty of the traffic division with such aid as may be rendered by other members of the police department to enforce the traffic regulations of the local authority, to make arrests for traffic violations, to investigate accidents and to cooperate with the traffic engineer and other officers of the local authority in the administration of the traffic laws and in developing ways and means to improve traffic conditions, and to carry out those duties specially imposed upon the said division by this chapter and the traffic ordinances of the local authority.

[Statutory Authority: RCW 46.90.010. 94-01-082, § 308-330-215, filed 12/13/93, effective 7/1/94.]

WAC 308-330-220 Authority of police and fire department officials. (1) Officers of the police department or such officers as are assigned by the chief of police are authorized to direct all traffic by voice, hand, or signal in conformance with law: Provided, That in the event of a fire or other emergency or to expedite traffic or to safeguard pedestrians, officers of the police department may direct traffic as conditions may require notwithstanding the provisions of law.

(2) Officers of the fire department, when at the scene of a fire, may direct or assist the police in directing traffic thereat or in the immediate vicinity.

[Statutory Authority: RCW 46.90.010. 94-01-082, § 308-330-220, filed 12/13/93, effective 7/1/94.]

WAC 308-330-225 Records of traffic violations. (1) The police department or the traffic division thereof shall keep a record of all violations of the traffic ordinances of the local authority or of the state motor vehicle laws of which any person has been charged, with the exception of illegal parking or standing violations, together with a record of the final disposition of all such alleged offenses. Such records shall be so maintained as to show all types of violations and the total of each. Such records shall accumulate during at least a five-year period, and from that time on the records shall be maintained complete for at least the most recent five-year period.

(2) All forms for records of violations and notices of violations shall be serially numbered. For each month and year a written record of all such forms shall be kept.

(3) Records and reports concerning a person shall be available upon request only to that particular person requesting such record or report concerning himself, or the legal guardian thereof, the parent of a minor, or any authorized representative of such interested party, or the attorney or insurer thereof.

[Statutory Authority: RCW 46.90.010. 94-01-082, § 308-330-225, filed 12/13/93, effective 7/1/94.]

WAC 308-330-230 Traffic division to investigate accidents. It shall be the duty of the traffic division, assisted by other members of the police department, to investigate traffic accidents, to arrest, and to assist in the prosecution of those persons charged with violations of law causing or contributing to such accidents.

[Statutory Authority: RCW 46.90.010. 94-01-082, § 308-330-230, filed 12/13/93, effective 7/1/94.]

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WAC 308-330-235 Traffic accident studies. Whenever the accidents at any particular location become numerous, the traffic division shall cooperate with the traffic engineer in conducting studies of such accidents and in determining remedial measures.

[Statutory Authority: RCW 46.90.010. 94-01-082, § 308-330-235, filed 12/13/93, effective 7/1/94.]

WAC 308-330-240 Traffic accident reports. The traffic division shall maintain a suitable system of filing traffic accident reports. Accident reports or cards referring to them shall be filed alphabetically by location. Such reports shall be available for the use and the information of the traffic engineer.

[Statutory Authority: RCW 46.90.010. 94-01-082, § 308-330-240, filed 12/13/93, effective 7/1/94.]

WAC 308-330-245 Traffic division to submit annual traffic safety report. The traffic division shall annually prepare a traffic report which shall be filed with the appointing authority of the local authority. Such report shall contain information on traffic matters in the local authority as follows:

(1) The number of traffic accidents, the number of persons killed, the number of persons injured, and other pertinent traffic accident data;

(2) The number of traffic accidents investigated and other pertinent data on the safety activities of the police;

(3) The plans and recommendations of the division for future traffic safety activities.

[Statutory Authority: RCW 46.90.010. 94-01-082, § 308-330-245, filed 12/13/93, effective 7/1/94.]

WAC 308-330-250 Police department to administer bicycle licenses. The police department or some other office or department designated by the local authority shall administer the bicycle license regulations required by this chapter.

[Statutory Authority: RCW 46.90.010. 94-01-082, § 308-330-250, filed 12/13/93, effective 7/1/94.]

WAC 308-330-255 Police department to regulate parking meters. The police department shall be responsible for the regulation, control, operation, and use of parking meters installed in all parking meter zones.

[Statutory Authority: RCW 46.90.010. 94-01-082, § 308-330-255, filed 12/13/93, effective 7/1/94.]

WAC 308-330-260 Traffic engineer. (1) The office of traffic engineer is established: Provided, That if there is no traffic engineer, then the engineer of the local authority shall serve as traffic engineer in addition to his/her other functions, and shall exercise the powers and duties with respect to traffic as provided in this chapter: Provided further, That if there is no engineer in the local authority, then the appointing authority shall designate a person to exercise such powers and duties.

(2) It shall be the general duty of the traffic engineer to determine the installation and maintenance of traffic control devices, to conduct engineering analysis of traffic accidents and to devise remedial measures, to conduct engineering investigations of traffic conditions, to plan the operation of

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traffic on the highways of the local authority, to cooperate with other officials in the development of ways and means to improve traffic conditions, and to carry out the additional powers and duties imposed by any ordinances of the local authority.

[Statutory Authority: RCW 46.90.010. 94-01-082, § 308-330-260, filed 12/13/93, effective 7/1/94.]

WAC 308-330-265 Traffic engineer—Authority. The traffic engineer is authorized:

(1) To place and maintain official traffic control devices when and as required under the traffic ordinances or resolutions of the local authority to make effective the provisions of said ordinances or resolutions, and may place and maintain such additional official traffic control devices as he/she may deem necessary to regulate, warn, or guide traffic under the traffic ordinances or resolutions of the local authority;

(2) To place and maintain official traffic control devices as he/she may deem necessary to regulate, warn, or guide traffic for construction, detours, emergencies, and special conditions;

(3) To designate and maintain, by appropriate devices, marks, or lines upon the surface of the roadway, crosswalks at intersections where in his/her opinion there is particular danger to pedestrians crossing the roadway, and in such other places as he/she may deem necessary;

(4) To establish safety zones of such kind and character and at such places as he/she may deem necessary for the protection of pedestrians;

(5) To mark traffic lanes upon the roadway of any highway where a regular alignment of traffic is necessary;

(6) To regulate the timing of traffic signals so as to permit the movement of traffic in an orderly and safe manner;

(7) To place official traffic control devices within or adjacent to intersections indicating the course to be traveled by vehicles turning at such intersections, in accordance with the provisions of this chapter, and such course to be traveled as so indicated may conform to or be other than as prescribed by law;

(8) To determine those intersections at which drivers of vehicles shall not make a right, left, or U-turn, and shall place proper signs at such intersections. The making of such turns may be prohibited between certain hours of any day and permitted at other hours, in which event the same shall be plainly indicated on the signs or they may be removed when such turns are permitted;

(9) To erect and maintain stop signs, yield signs, or other official traffic control devices to designate arterial highways or to designate intersection or other roadway junctions at which vehicular traffic on one or more of the roadways shall yield or stop and yield before entering the intersection or junction, except as provided in RCW 46.61.195;

(10) To issue special permits to authorize the backing of a vehicle to the curb for the purpose of loading or unloading property subject to the terms and conditions of such permit. Such permits may be issued either to the owner or lessee of real property alongside the curb or to the owner of the vehicle and shall grant to such person the privilege as therein stated and authorized by this section;

(11) To erect signs indicating no parking upon both sides of a highway when the width of the improved roadway does

not exceed twenty feet, or upon one side of a highway as indicated by such signs when the width of the improved roadway is between twenty and twenty-eight feet;

(12) To determine when standing or parking may be permitted upon the left-hand side of any roadway when the highway includes two or more separate roadways and traffic is restricted to one direction upon any such roadway and to erect signs giving notice thereof;

(13) To determine and designate by proper signs places not exceeding one hundred feet in length in which the stopping, standing, or parking of vehicles would create an especially hazardous condition or would cause unusual delay to traffic;

(14) To determine the location of loading zones, passenger loading zones, and tow-away zones and shall place and maintain appropriate signs or curb markings supplemented with the appropriate words stenciled on the curb indicating the same and stating the hours during which the provisions of this chapter are applicable;

(15) To establish bus stops, bus stands, taxicab stands, and stands for other for hire vehicles on such highways in such places and in such number as he/she shall determine to be of the greatest benefit and convenience to the public, and every such bus stop, bus stand, taxicab stand, or other stand shall be designated by appropriate signs or by curb markings supplemented with the appropriate words stenciled on the curb;

(16) To erect and maintain official traffic control devices on any highway or part thereof to impose gross weight limits on the basis of an engineering and traffic investigation;

(17) To erect and maintain official traffic control devices on any highway or part thereof to prohibit the operation of trucks exceeding ten thousand pounds gross weight on the basis of an engineering and traffic investigation: Provided, That such devices shall not prohibit necessary local operation on such highways for the purpose of making a pickup or delivery;

(18) To erect and maintain official traffic control devices on any highway or part thereof to impose vehicle size restrictions on the basis of an engineering and traffic investigation;

(19) To determine and designate those heavily traveled highways upon which shall be prohibited any class or kind of traffic which is found to be incompatible with the normal and safe movement of traffic on the basis of an engineering and traffic investigation and shall erect appropriate official traffic control devices giving notice thereof;

(20) To install parking meters in the established parking meter zones upon the curb adjacent to each designated parking space;

(21) To designate the parking space adjacent to each parking meter for which such meter is to be used by appropriate markings upon the curb and/or the pavement of the highway;

(22) To post appropriate signs making it unlawful for pedestrians to cross highways in certain crosswalks when such crossing would endanger either pedestrian or vehicular traffic using the highway;

(23) To test new or proposed traffic control devices under actual conditions of traffic.

[Statutory Authority: RCW 46.90.010. 94-01-082, § 308-330-265, filed 12/13/93, effective 7/1/94.]

WAC 308-330-270 Local authority—Authority. After an engineering and traffic investigation by the traffic engineer, the local authority may by resolution:

- (1) Decrease maximum speed limits pursuant to RCW 46.61.415;
- (2) Increase maximum speed limits pursuant to RCW 46.61.415;
- (3) Determine and declare the maximum speed limits on arterial highways pursuant to RCW 46.61.415;
- (4) Determine and declare upon what highways angle parking shall be permitted pursuant to RCW 46.61.575(3);
- (5) Prohibit, regulate, or limit, stopping, standing, or parking of vehicles on any highway at all times or during such times as shall be indicated by official traffic control devices;
- (6) Determine and declare parking meter zones upon those highways or parts thereof where the installation of parking meters will be necessary to regulate parking;
- (7) Close any highway or part thereof temporarily to any or all traffic;
- (8) Determine and declare one-way highways pursuant to RCW 46.61.135;
- (9) Determine and declare arterial highways pursuant to RCW 46.61.195 and 46.61.435.

[Statutory Authority: RCW 46.90.010. 94-01-082, § 308-330-270, filed 12/13/93, effective 7/1/94.]

WAC 308-330-275 Traffic safety commission—Powers and duties. (1) There is established a traffic safety commission to serve without compensation, consisting of the traffic engineer, the chief of police, or, in his/her discretion as his/her representative, the chief of the traffic division or other cognizant member of the police department, one representative each from the engineer's office and the attorney's office, and such number of other officers of the local authority and representatives of unofficial bodies as may be determined and appointed by the appointing authority of the local authority. The chair of the commission shall be appointed by such appointing authority and may be removed by such authority.

(2) It shall be the duty of the traffic safety commission, and to this end it shall have authority within the limits of the funds at its disposal, to coordinate traffic activities, to supervise the preparation and publication of traffic reports, to receive complaints having to do with traffic matters, and to recommend to the legislative body of the local authority and to the traffic engineer, the chief of the traffic division, and other officials, ways and means for improving traffic conditions and the administration and enforcement of traffic regulations.

[Statutory Authority: RCW 46.90.010. 94-01-082, § 308-330-275, filed 12/13/93, effective 7/1/94.]

WAC 308-330-300 RCW sections adopted—Certificates of ownership and registrations. The following sections of the Revised Code of Washington (RCW) pertaining to vehicle certificates of ownership and registrations as now or hereafter amended are hereby adopted by reference as a part of this chapter in all respects as though such sections were set forth herein in full: RCW 46.12.005, 46.12.070, 46.12.080, 46.12.101, 46.12.102, 46.12.103, 46.12.160, 46.12.210, 46.12.215, 46.12.220, 46.12.250, 46.12.260,

46.12.270, 46.12.300, 46.12.310, 46.12.320, 46.12.330, 46.12.340, 46.12.350, and 46.12.380.

[Statutory Authority: RCW 46.90.010. 99-04-070, § 308-330-300, filed 2/1/99, effective 3/4/99; 97-10-068, § 308-330-300, filed 5/5/97, effective 6/5/97; 96-13-089, § 308-330-300, filed 6/19/96, effective 7/20/96; 95-23-042, § 308-330-300, filed 11/13/95, effective 12/14/95; 94-23-029, § 308-330-300, filed 11/8/94, effective 12/9/94; 94-01-082, § 308-330-300, filed 12/13/93, effective 7/1/94.]

WAC 308-330-305 RCW sections adopted—Vehicle licenses. The following sections of the Revised Code of Washington (RCW) pertaining to vehicle licenses as now or hereafter amended are hereby adopted by reference as a part of this chapter in all respects as though such sections were set forth herein in full: RCW 46.16.010, 46.16.011, 46.16.022, 46.16.023, 46.16.025, 46.16.028, 46.16.030, 46.16.048, 46.16.068, 46.16.088, 46.16.090, 46.16.135, 46.16.140, 46.16.145, 46.16.160, 46.16.180, 46.16.240, 46.16.260, 46.16.290, 46.16.307, 46.16.30901, 46.16.30903, 46.16.-30905, 46.16.316, 46.16.350, 46.16.381, 46.16.385, 46.16.-390, 46.16.500, 46.16.505, 46.16.560, 46.16.585, 46.16.595, 46.16.630, 46.16.640, and 46.16.680.

[Statutory Authority: RCW 46.90.010. 04-18-061, § 308-330-305, filed 8/27/04, effective 9/27/04; 02-04-075, § 308-330-305, filed 2/1/02, effective 3/4/02; 97-10-068, § 308-330-305, filed 5/5/97, effective 6/5/97; 96-13-089, § 308-330-305, filed 6/19/96, effective 7/20/96; 95-23-042, § 308-330-305, filed 11/13/95, effective 12/14/95; 94-01-082, § 308-330-305, filed 12/13/93, effective 7/1/94.]

WAC 308-330-307 RCW sections adopted—Driver licenses and identicards. The following sections of the Revised Code of Washington (RCW) pertaining to driver licenses and identification cards as now or hereafter amended are hereby adopted by reference as a part of this chapter in all respects as though such sections were set forth herein in full: RCW 46.20.001, 46.20.005, 46.20.015, 46.20.017, 46.20.-021, 46.20.022, 46.20.024, 46.20.025, 46.20.027, 46.20.031, 46.20.041, 46.20.045, 46.20.055, 46.20.070, 46.20.075, 46.20.0921, 46.20.109, 46.20.220, 46.20.308, 46.20.3101, 46.20.338, 46.20.342, 46.20.345, 46.20.349, 46.20.391, 46.20.394, 46.20.410, 46.20.500, 46.20.510, 46.20.720, 46.20.740, and 46.20.750.

[Statutory Authority: RCW 46.90.010. 02-04-075, § 308-330-307, filed 2/1/02, effective 3/4/02; 00-18-067, § 308-330-307, filed 9/1/00, effective 10/2/00; 99-04-070, § 308-330-307, filed 2/1/99, effective 3/4/99. Statutory Authority: RCW 46.90.010 and 1997 c 66 and c 229. 97-16-041, § 308-330-307, filed 7/31/97, effective 8/31/97. Statutory Authority: RCW 46.90.010. 97-10-068, § 308-330-307, filed 5/5/97, effective 6/5/97; 96-13-089, § 308-330-307, filed 6/19/96, effective 7/20/96; 95-23-042, § 308-330-307, filed 11/13/95, effective 12/14/95; 94-23-029, § 308-330-307, filed 11/8/94, effective 12/9/94; 94-01-082, § 308-330-307, filed 12/13/93, effective 7/1/94.]

WAC 308-330-309 RCW sections adopted—Uniform Commercial Driver's License Act. The following sections of the Revised Code of Washington (RCW) pertaining to the Uniform Commercial Driver's License Act as now or hereafter amended are hereby adopted by reference as a part of this chapter in all respects as though such sections were set forth herein in full: RCW 46.25.010, 46.25.020, 46.25.030, 46.25.040, 46.25.050, 46.25.055, 46.25.057, 46.25.110, 46.25.120, and 46.25.170.

[Statutory Authority: RCW 46.90.010. 04-18-061, § 308-330-309, filed 8/27/04, effective 9/27/04; 94-01-082, § 308-330-309, filed 12/13/93, effective 7/1/94.]

WAC 308-330-310 RCW sections adopted—Financial responsibility. The following section of the Revised Code of Washington (RCW) pertaining to financial responsibility as now or hereafter amended is hereby adopted by reference as a part of this chapter in all respects as though such section were set forth herein in full: RCW 46.29.605.

[Statutory Authority: RCW 46.90.010. 94-01-082, § 308-330-310, filed 12/13/93, effective 7/1/94.]

WAC 308-330-312 RCW sections adopted—Mandatory liability insurance. The following sections of the Revised Code of Washington (RCW) pertaining to mandatory liability insurance as now or hereafter amended are hereby adopted by reference as a part of this chapter in all respects as through such sections were set forth herein in full: RCW 46.30.010, 46.30.020, 46.30.030, and 46.30.040.

[Statutory Authority: RCW 46.90.010. 94-01-082, § 308-330-312, filed 12/13/93, effective 7/1/94.]

WAC 308-330-314 RCW sections adopted—Vehicle inspection. The following sections of the Revised Code of Washington (RCW) pertaining to vehicle inspection as now or hereafter amended are hereby adopted by reference as a part of this chapter in all respects as though such sections were set forth herein in full: RCW 46.32.060 and 46.32.070.

[Statutory Authority: RCW 46.90.010. 94-01-082, § 308-330-314, filed 12/13/93, effective 7/1/94.]

WAC 308-330-316 RCW sections adopted—Vehicle lighting and other equipment. The following sections of the Revised Code of Washington (RCW) pertaining to vehicle lighting and other equipment as now or hereafter amended are hereby adopted by reference as a part of this chapter in all respects as though such sections were set forth herein in full: RCW 46.37.010, 46.37.020, 46.37.030, 46.37.040, 46.37.050, 46.37.060, 46.37.070, 46.37.080, 46.37.090, 46.37.100, 46.37.110, 46.37.120, 46.37.130, 46.37.140, 46.37.150, 46.37.160, 46.37.170, 46.37.180, 46.37.184, 46.37.185, 46.37.186, 46.37.187, 46.37.188, 46.37.190, 46.37.193, 46.37.196, 46.37.200, 46.37.210, 46.37.215, 46.37.220, 46.37.230, 46.37.240, 46.37.260, 46.37.270, 46.37.280, 46.37.290, 46.37.300, 46.37.310, 46.37.340, 46.37.351, 46.37.360, 46.37.365, 46.37.369, 46.37.375, 46.37.380, 46.37.390, 46.37.400, 46.37.410, 46.37.420, 46.37.4215, 46.37.4216, 46.37.423, 46.37.424, 46.37.425, 46.37.430, 46.37.435, 46.37.440, 46.37.450, 46.37.465, 46.37.467, 46.37.470, 46.37.480, 46.37.490, 46.37.495, 46.37.500, 46.37.510, 46.37.513, 46.37.517, 46.37.518, 46.37.520, 46.37.522, 46.37.523, 46.37.524, 46.37.525, 46.37.527, 46.37.528, 46.37.529, 46.37.530, 46.37.535, 46.37.537, 46.37.539, 46.37.540, 46.37.550, 46.37.560, 46.37.570, 46.37.590, 46.37.600, 46.37.610, 46.37.620, 46.37.630, 46.37.640, 46.37.650, and 46.37.660.

[Statutory Authority: RCW 46.90.010. 04-18-061, § 308-330-316, filed 8/27/04, effective 9/27/04; 00-18-067, § 308-330-316, filed 9/1/00, effective 10/2/00; 97-10-068, § 308-330-316, filed 5/5/97, effective 6/5/97; 96-13-089, § 308-330-316, filed 6/19/96, effective 7/20/96; 95-23-042, § 308-330-

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316, filed 11/13/95, effective 12/14/95; 94-01-082, § 308-330-316, filed 12/13/93, effective 7/1/94.]

WAC 308-330-320 RCW sections adopted—Size, weight, load. The following sections of the Revised Code of Washington (RCW) pertaining to vehicle size, weight, and load as now or hereafter amended are hereby adopted by reference as a part of this chapter in all respects as though such sections were set forth herein in full: RCW 46.44.010, 46.44.020, 46.44.030, 46.44.034, 46.44.036, 46.44.037, 46.44.041, 46.44.042, 46.44.043, 46.44.047, 46.44.050, 46.44.060, 46.44.070, 46.44.090, 46.44.091, 46.44.092, 46.44.093, 46.44.095, 46.44.096, 46.44.105, 46.44.120, 46.44.130, 46.44.140, 46.44.170, 46.44.173, 46.44.175, 46.44.180, and 46.44.190.

[Statutory Authority: RCW 46.90.010. 04-18-061, § 308-330-320, filed 8/27/04, effective 9/27/04; 02-04-075, § 308-330-320, filed 2/1/02, effective 3/4/02; 94-23-029, § 308-330-320, filed 11/8/94, effective 12/9/94; 94-01-082, § 308-330-320, filed 12/13/93, effective 7/1/94.]

WAC 308-330-322 RCW sections adopted—Transportation of hazardous materials. The following section of the Revised Code of Washington (RCW) and Washington Administrative Code (WAC) pertaining to transportation of hazardous materials as now or hereafter amended is hereby adopted by reference as a part of this chapter in all respects as though such section were set forth herein in full: RCW 46.48.170, 46.48.175 and 46.48.185 and chapter 446-50 WAC.

[Statutory Authority: RCW 46.90.010. 97-10-068, § 308-330-322, filed 5/5/97, effective 6/5/97; 94-01-082, § 308-330-322, filed 12/13/93, effective 7/1/94.]

WAC 308-330-325 RCW sections adopted—Accidents, reports. The following sections of the Revised Code of Washington (RCW) pertaining to accidents and accident reports as now or hereafter amended are hereby adopted by reference as a part of this chapter in all respects as though such sections were set forth herein in full: RCW 46.52.010, 46.52.020, 46.52.030, 46.52.040, 46.52.070, 46.52.080, 46.52.088, 46.52.090, and 46.52.101.

[Statutory Authority: RCW 46.90.010. 00-18-067, § 308-330-325, filed 9/1/00, effective 10/2/00; 94-01-082, § 308-330-325, filed 12/13/93, effective 7/1/94.]

WAC 308-330-327 RCW sections adopted—Hulk haulers and scrap processors. The following sections of the Revised Code of Washington (RCW) pertaining to hulk haulers and scrap processors as now or hereafter amended are hereby adopted by reference as a part of this chapter in all respects as though such sections were set forth herein in full: RCW 46.79.010 and 46.79.120.

[Statutory Authority: RCW 46.90.010. 94-01-082, § 308-330-327, filed 12/13/93, effective 7/1/94.]

WAC 308-330-330 RCW sections adopted—Motor vehicle wreckers. The following section[s] of the Revised Code of Washington (RCW) pertaining to motor vehicle wreckers as now or hereafter amended is [are] hereby adopted by reference as a part of this chapter in all respects as though such section[s] were set forth herein in full: RCW 46.80.010 and 46.80.060.

[Statutory Authority: RCW 46.90.010. 95-23-042, § 308-330-330, filed 11/13/95, effective 12/14/95; 94-01-082, § 308-330-330, filed 12/13/93, effective 7/1/94.]

WAC 308-330-360 Owner of record presumed liable for costs when vehicle abandoned—Exception. (1) The abandonment of any vehicle or automobile hulk shall constitute a prima facie presumption that the last owner of record is responsible for such abandonment and thus liable for any costs incurred in removing, storing, and disposing of any abandoned vehicle.

(2) A registered owner transferring a vehicle shall be relieved from personal liability under this section if within five days of the transfer he/she transmits to the department a seller's report of sale on a form prescribed by the director.

[Statutory Authority: RCW 46.90.010. 94-01-082, § 308-330-360, filed 12/13/93, effective 7/1/94.]

WAC 308-330-365 Contract with registered disposer to dispose of vehicles and hulks—Compliance required.

(1) The local authority may contract with any tow truck operator who is engaged in removing and storing of vehicles and who is registered as a registered disposer by the department for the purpose of disposing of certain automobile hulks, abandoned junk motor vehicles, and abandoned vehicles.

(2) Any registered disposer under contract to the local authority for the removing and storing of vehicles or hulks shall comply with the administrative regulations relative to the handling and disposing of vehicles or hulks as may be promulgated by the local authority or the director.

[Statutory Authority: RCW 46.90.010. 94-01-082, § 308-330-365, filed 12/13/93, effective 7/1/94.]

WAC 308-330-370 Stolen and abandoned vehicles—Reports of—Recovery, report required, penalty—Disposition. It shall be the duty of the chief of police to report immediately to the chief of the Washington state patrol all motor vehicles reported to them as stolen or recovered, upon forms to be provided by the chief of the Washington state patrol.

In the event that any motor vehicle reported as stolen has been recovered, failure of the person so reporting the same as stolen to report the recovery thereof to the chief of police to whom such motor vehicle was reported as stolen is a traffic infraction.

It shall be the duty of the chief of police to report to the chief of the Washington state patrol all vehicles or automobile hulks found abandoned on a highway or at any other place and the same shall, at the direction of a law enforcement officer, be placed in the custody of a tow truck operator registered pursuant to chapter 46.55 RCW.

[Statutory Authority: RCW 46.90.010. 97-10-068, § 308-330-370, filed 5/5/97, effective 6/5/97; 94-01-082, § 308-330-370, filed 12/13/93, effective 7/1/94.]

WAC 308-330-400 Provisions of chapter refer to vehicles upon highway—Exception. The provisions of this chapter relating to the operation of vehicles refer exclusively to the operation of vehicles upon highways except:

(1) Where a different place is specifically referred to in a given section;

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(2) The provisions of RCW 46.52.010, 46.52.020, 46.52.030, 46.52.070, 46.52.080, 46.52.090, and 46.61.500 through 46.61.530 shall apply upon highways and elsewhere throughout the jurisdiction of the local authority.

[Statutory Authority: RCW 46.90.010. 97-10-068, § 308-330-400, filed 5/5/97, effective 6/5/97; 96-13-089, § 308-330-400, filed 6/19/96, effective 7/20/96; 94-23-029, § 308-330-400, filed 11/8/94, effective 12/9/94; 94-01-082, § 308-330-400, filed 12/13/93, effective 7/1/94.]

WAC 308-330-403 Required obedience to traffic ordinance. It is unlawful for any person to do any act forbidden or fail to perform any act required by this chapter.

[Statutory Authority: RCW 46.90.010. 94-01-082, § 308-330-403, filed 12/13/93, effective 7/1/94.]

WAC 308-330-406 RCW sections adopted—Abandoned, unauthorized, and junk vehicle tow truck operators. The following sections of the Revised Code of Washington (RCW) pertaining to abandoned, unauthorized, and junk vehicle tow truck operators as now or hereafter amended are hereby adopted by reference as a part of this chapter in all respects as though such sections were set forth herein in full: RCW 46.55.010, 46.55.020, 46.55.025, 46.55.035, 46.55.037, 46.55.040, 46.55.050, 46.55.060, 46.55.063, 46.55.070, 46.55.075, 46.55.080, 46.55.085, 46.55.090, 46.55.100, 46.55.105, 46.55.110, 46.55.113, 46.55.120, 46.55.130, 46.55.140, 46.55.150, 46.55.160, 46.55.170, 46.55.230, and 46.55.240.

[Statutory Authority: RCW 46.90.010. 00-18-067, § 308-330-406, filed 9/1/00, effective 10/2/00; 97-10-068, § 308-330-406, filed 5/5/97, effective 6/5/97; 95-23-042, § 308-330-406, filed 11/13/95, effective 12/14/95; 94-01-082, § 308-330-406, filed 12/13/93, effective 7/1/94.]

WAC 308-330-408 RCW sections adopted—Traffic laws, signs, signals, markings. The following sections of the Revised Code of Washington (RCW) pertaining to obedience to and effect of traffic laws, traffic signs, signals and markings as now or hereafter amended are hereby adopted by reference as a part of this chapter in all respects as though such sections were set forth herein in full: RCW 46.61.005, 46.61.015, 46.61.020, 46.61.021, 46.61.022, 46.61.024, 46.61.025, 46.61.030, 46.61.035, 46.61.050, 46.61.055, 46.61.060, 46.61.065, 46.61.070, 46.61.072, 46.61.075, 46.61.080, and 46.61.085.

[Statutory Authority: RCW 46.90.010. 97-10-068, § 308-330-408, filed 5/5/97, effective 6/5/97; 94-01-082, § 308-330-408, filed 12/13/93, effective 7/1/94.]

WAC 308-330-409 Traffic control devices required—Stopping, standing, and parking. No prohibition, regulation, or limitation relating to stopping, standing, or parking imposed under this chapter or any ordinance of the local authority for which traffic control devices are required shall be effective unless official traffic control devices are erected and in place at the time of any alleged offense.

[Statutory Authority: RCW 46.90.010. 94-01-082, § 308-330-409, filed 12/13/93, effective 7/1/94.]

WAC 308-330-412 Crossing new pavement and markings. No person shall ride or drive any animal, bicycle, or vehicle, across any newly made pavement or freshly

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applied markings on any highway when a sign, cone marker, or other warning device is in place warning persons not to drive across such pavement or marking.

[Statutory Authority: RCW 46.90.010. 94-01-082, § 308-330-412, filed 12/13/93, effective 7/1/94.]

WAC 308-330-415 RCW sections adopted—Right of way. The following sections of the Revised Code of Washington (RCW) pertaining to vehicles and pedestrians use of roadways, right of way, rights and duties as now or hereafter amended are hereby adopted by reference as a part of this chapter in all respects as though such sections were set forth herein in full: RCW 46.61.100, 46.61.105, 46.61.110, 46.61.115, 46.61.120, 46.61.125, 46.61.130, 46.61.135, 46.61.140, 46.61.145, 46.61.150, 46.61.155, 46.61.160, 46.61.165, 46.61.180, 46.61.183, 46.61.185, 46.61.190, 46.61.195, 46.61.200, 46.61.202, 46.61.205, 46.61.210, 46.61.215, 46.61.220, 46.61.230, 46.61.235, 46.61.240, 46.61.245, 46.61.250, 46.61.255, 46.61.260, 46.61.261, 46.61.264, 46.61.266, and 46.61.269.

[Statutory Authority: RCW 46.90.010. 00-18-067, § 308-330-415, filed 9/1/00, effective 10/2/00; 97-10-068, § 308-330-415, filed 5/5/97, effective 6/5/97; 94-01-082, § 308-330-415, filed 12/13/93, effective 7/1/94.]

WAC 308-330-421 RCW sections adopted—Turning, starting and stopping. The following sections of the Revised Code of Washington (RCW) pertaining to turning, starting, signals on stopping and turning, and special stops as now or hereafter amended are hereby adopted by reference as a part of this chapter in all respects as though such sections were set forth herein in full: RCW 46.61.290, 46.61.295, 46.61.300, 46.61.305, 46.61.310, 46.61.315, 46.61.340, 46.61.345, 46.61.350, 46.61.355, 46.61.365, 46.61.370, 46.61.371, 46.61.372, 46.61.375, 46.61.380, and 46.61.385.

[Statutory Authority: RCW 46.90.010. 00-18-067, § 308-330-421, filed 9/1/00, effective 10/2/00; 97-10-068, § 308-330-421, filed 5/5/97, effective 6/5/97; 94-01-082, § 308-330-421, filed 12/13/93, effective 7/1/94.]

WAC 308-330-423 RCW sections adopted—Speed restrictions. The following sections of the Revised Code of Washington (RCW) pertaining to speed restrictions as now or hereafter amended are hereby adopted by reference as a part of this chapter in all respects as though such sections were set forth herein in full: RCW 46.61.400, 46.61.415, 46.61.419, 46.61.425, 46.61.427, 46.61.428, 46.61.435, 46.61.440, 46.61.445, 46.61.450, 46.61.455, 46.61.460, 46.61.465, and 46.61.470.

[Statutory Authority: RCW 46.90.010. 04-18-061, § 308-330-423, filed 8/27/04, effective 9/27/04; 00-18-067, § 308-330-423, filed 9/1/00, effective 10/2/00; 94-01-082, § 308-330-423, filed 12/13/93, effective 7/1/94.]

WAC 308-330-425 RCW sections adopted—Reckless driving, vehicular homicide and assault. The following sections of the Revised Code of Washington (RCW) pertaining to reckless driving, driving while under the influence of intoxicating liquor or any drug, vehicular homicide and assault as now or hereafter amended are hereby adopted by reference as a part of this chapter in all respects as though such sections were set forth herein in full: RCW 46.61.500, 46.61.502, 46.61.503, 46.61.504, 46.61.5054, 46.61.5055, 46.61.50571, 46.61.5058, 46.61.506, 46.61.513, 46.61.517,

46.61.519, 46.61.5191, 46.61.5195, 46.61.5249, 46.61.525, 46.61.527, 46.61.530, 46.61.535, and 46.61.540.

[Statutory Authority: RCW 46.90.010. 99-04-070, § 308-330-425, filed 2/1/99, effective 3/4/99. Statutory Authority: RCW 46.90.010 and 1997 c 66 and c 229. 97-16-041, § 308-330-425, filed 7/31/97, effective 8/31/97. Statutory Authority: RCW 46.90.010. 97-10-068, § 308-330-425, filed 5/5/97, effective 6/5/97; 95-23-042, § 308-330-425, filed 11/13/95, effective 12/14/95; 94-23-029, § 308-330-425, filed 11/8/94, effective 12/9/94; 94-01-082, § 308-330-425, filed 12/13/93, effective 7/1/94.]

WAC 308-330-430 Obedience to angle-parking signs or markings. Upon those highways which have been signed or marked for angle-parking, no person shall park or stand a vehicle other than at the angle to the curb or edge of the roadway indicated by such signs or markings.

[Statutory Authority: RCW 46.90.010. 94-01-082, § 308-330-430, filed 12/13/93, effective 7/1/94.]

WAC 308-330-433 Parking not to obstruct traffic. (1) No person shall park a vehicle upon a highway in such a manner or under such conditions as to leave available less than ten feet of the width of the roadway for free movement of vehicular traffic.

(2) No person shall stop, stand, or park a vehicle within an alley in such position as to block the driveway entrance to any abutting property.

[Statutory Authority: RCW 46.90.010. 94-01-082, § 308-330-433, filed 12/13/93, effective 7/1/94.]

WAC 308-330-436 Parking for certain purposes unlawful. (1) No person shall park any vehicle upon any highway for the principle purpose of:

- (a) Displaying advertising;
- (b) Displaying such vehicle for sale;
- (c) Selling merchandise from such vehicle, except when authorized.

(2) No person shall park any vehicle upon any roadway for the principle purpose of washing, greasing, or repairing such vehicle except repairs necessitated by an emergency.

[Statutory Authority: RCW 46.90.010. 97-10-068, § 308-330-436, filed 5/5/97, effective 6/5/97; 94-01-082, § 308-330-436, filed 12/13/93, effective 7/1/94.]

WAC 308-330-439 Standing in passenger loading zone. No person shall stop, stand, or park a vehicle for any purpose or period of time other than for the expeditious loading or unloading of passengers in any place marked as a passenger loading zone during hours when the regulations applicable to the loading zone are effective, and then only for a period not to exceed three minutes.

[Statutory Authority: RCW 46.90.010. 94-01-082, § 308-330-439, filed 12/13/93, effective 7/1/94.]

WAC 308-330-442 Standing in loading zone. (1) No person shall stop, stand, or park a vehicle for any purpose or period of time other than for the expeditious unloading and delivery or pickup and loading of property in any place marked as a loading zone during hours when the provisions applicable to such zone are in effect. In no case shall the stop for loading and unloading of property exceed thirty minutes.

(2) The driver of a vehicle may stop temporarily at a loading zone for the purpose of and while actually engaged in

loading or unloading passengers when such stopping does not interfere with any vehicle which is waiting to enter or about to enter such zone to load or unload property.

[Statutory Authority: RCW 46.90.010. 94-01-082, § 308-330-442, filed 12/13/93, effective 7/1/94.]

WAC 308-330-445 Standing in a tow-away zone. No person shall stop, stand, or park a vehicle in a place marked as a tow-away zone during hours when the provisions applicable to such zone are in effect.

[Statutory Authority: RCW 46.90.010. 94-01-082, § 308-330-445, filed 12/13/93, effective 7/1/94.]

WAC 308-330-448 Violating permits for loading or unloading at an angle to the curb. It shall be unlawful for any permittee or other person to violate any of the special terms or conditions of any permit issued by the traffic engineer for the backing of a vehicle to the curb for the purpose of loading or unloading property.

[Statutory Authority: RCW 46.90.010. 94-01-082, § 308-330-448, filed 12/13/93, effective 7/1/94.]

WAC 308-330-451 Standing or parking on one-way roadways. In the event a highway includes two or more separate roadways, no person shall stand or park a vehicle upon the left-hand side of such one-way roadway unless signs are erected to permit such standing or parking.

[Statutory Authority: RCW 46.90.010. 94-01-082, § 308-330-451, filed 12/13/93, effective 7/1/94.]

WAC 308-330-454 Stopping, standing, and parking of buses and taxicabs regulated. (1) The operator of a bus shall not stop, stand, or park such vehicle upon any highway at any place other than a designated bus stop. This provision shall not prevent the operator of a bus from temporarily stopping in accordance with other stopping, standing, or parking regulations at any place for the purpose of and while actually engaged in the expeditious loading or unloading of passengers or their baggage.

(2) The operator of a bus shall enter a bus stop or passenger loading zone on a highway in such a manner that the bus when stopped to load or unload passengers or baggage shall be in a position with the right front wheel of such vehicle not farther than eighteen inches from the curb and the bus approximately parallel to the curb so as not to unduly impede the movement of other vehicular traffic.

(3) The operator of a taxicab shall not stop, stand, or park such vehicle upon any highway at any place other than in a designated taxicab stand. This provision shall not prevent the operator of a taxicab from temporarily stopping in accordance with other stopping, standing, or parking regulations at any place for the purpose of and while actually engaged in the expeditious loading or unloading of passengers.

[Statutory Authority: RCW 46.90.010. 95-23-042, § 308-330-454, filed 11/13/95, effective 12/14/95; 94-01-082, § 308-330-454, filed 12/13/93, effective 7/1/94.]

WAC 308-330-457 Restricted use of bus stops and taxicab stands. No person shall stop, stand, or park a vehicle other than a bus in a bus stop, or other than a taxicab in a taxicab stand when any such stop or stand has been officially des-

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ignated and appropriately signed, except the driver of a passenger vehicle may temporarily stop there for the purpose of, or while actually engaged in, loading or unloading passengers when such stopping does not interfere with any bus, or taxicab waiting to enter or about to enter such stop or stand.

[Statutory Authority: RCW 46.90.010. 94-01-082, § 308-330-457, filed 12/13/93, effective 7/1/94.]

WAC 308-330-460 Right of way for parking. The driver of any vehicle who first begins driving or maneuvering his/her vehicle into a vacant parking space shall have a prior right of way to park in such place, and it shall be unlawful for another driver to attempt to deprive him/her thereof by blocking his/her access or otherwise. For the purpose of establishing right of way in this section it shall be considered proper to back into any but a front-in angle parking space.

[Statutory Authority: RCW 46.90.010. 94-01-082, § 308-330-460, filed 12/13/93, effective 7/1/94.]

WAC 308-330-462 RCW sections adopted—Stopping, standing, and parking. The following sections of the Revised Code of Washington (RCW) pertaining to vehicle stopping, standing, and parking as now or hereafter amended are hereby adopted by reference as a part of this chapter in all respects as though such sections were set forth herein in full: RCW 46.61.560, 46.61.570, 46.61.575, 46.61.581, 46.61.582, 46.61.583, 46.61.585, 46.61.587, and 46.61.590.

[Statutory Authority: RCW 46.90.010. 97-10-068, § 308-330-462, filed 5/5/97, effective 6/5/97; 94-01-082, § 308-330-462, filed 12/13/93, effective 7/1/94.]

WAC 308-330-464 RCW sections adopted—Operation and restrictions. The following sections of the Revised Code of Washington (RCW) pertaining to the operation of vehicles and the restriction of certain acts and practices of vehicle operators and passengers as now or hereafter amended are hereby adopted by reference as a part of this chapter in all respects as though such sections were set forth herein in full: RCW 46.61.600, 46.61.605, 46.61.606, 46.61.608, 46.61.610, 46.61.611, 46.61.612, 46.61.614, 46.61.615, 46.61.620, 46.61.625, 46.61.630, 46.61.635, 46.61.640, 46.61.645, 46.61.655, 46.61.660, 46.61.665, 46.61.670, 46.61.675, 46.61.680, 46.61.685, 46.61.687, 46.61.688, 46.61.690, 46.61.700, 46.61.710, 46.61.720, 46.61.725, 46.61.730, and 46.61.740.

[Statutory Authority: RCW 46.90.010. 04-18-061, § 308-330-464, filed 8/27/04, effective 9/27/04; 02-04-075, § 308-330-464, filed 2/1/02, effective 3/4/02; 94-01-082, § 308-330-464, filed 12/13/93, effective 7/1/94.]

WAC 308-330-466 Funeral processions. (1) A funeral procession shall proceed to the place of interment by the most direct route which is both legal and practicable.

(2) A funeral procession shall be accompanied by adequate escort vehicles for traffic control purposes as determined by the chief of police.

(3) All motor vehicles in a funeral procession shall be identified by having their headlights turned on or by such other method as may be determined and designated by the chief of police.

(4) All motor vehicles in a funeral procession shall be operated as near to the right-hand edge of the roadway as is

practicable and shall follow the vehicle ahead as close as is practicable and safe.

[Statutory Authority: RCW 46.90.010. 94-01-082, § 308-330-466, filed 12/13/93, effective 7/1/94.]

WAC 308-330-469 When permits required for parades and processions. With the exception of funeral processions and parades of the armed forces of the United States, the military forces of this state, and the forces of the police and fire departments, no processions or parades shall be conducted on the highways within the jurisdiction of the local authority except in accordance with a permit issued by the chief of police and such other regulations as are set forth in this chapter which may be applicable.

[Statutory Authority: RCW 46.90.010. 94-01-082, § 308-330-469, filed 12/13/93, effective 7/1/94.]

WAC 308-330-472 Interfering with processions. (1) No person shall unreasonably interfere with a procession.

(2) No person shall operate a vehicle that is not part of a procession between the vehicles of the procession. This provision shall not apply at intersections where traffic is controlled by traffic control devices unless a police officer is present at such intersections to direct traffic so as to preserve the continuity of the procession.

[Statutory Authority: RCW 46.90.010. 94-01-082, § 308-330-472, filed 12/13/93, effective 7/1/94.]

WAC 308-330-475 Boarding or alighting from vehicles. No person shall board or alight from any vehicle while such vehicle is in motion.

[Statutory Authority: RCW 46.90.010. 94-01-082, § 308-330-475, filed 12/13/93, effective 7/1/94.]

WAC 308-330-478 Unlawful riding. No person shall ride upon any portion of a vehicle not designed or intended for the use of passengers. This provision shall not apply to an employee engaged in the necessary discharge of a duty, or to persons riding within truck bodies in space intended for merchandise.

[Statutory Authority: RCW 46.90.010. 94-01-082, § 308-330-478, filed 12/13/93, effective 7/1/94.]

WAC 308-330-481 RCW sections adopted—Operation of nonmotorized vehicles. The following sections of the Revised Code of Washington (RCW) pertaining to the operation of nonmotorized vehicles as now or hereafter amended are hereby adopted by reference as a part of this chapter in all respects as though such sections were set forth herein in full: RCW 46.61.750, 46.61.755, 46.61.758, 46.61.760, 46.61.765, 46.61.770, 46.61.775, 46.61.780, and 46.61.790.

[Statutory Authority: RCW 46.90.010. 02-04-075, § 308-330-481, filed 2/1/02, effective 3/4/02; 94-01-082, § 308-330-481, filed 12/13/93, effective 7/1/94.]

WAC 308-330-500 Bicycle license required. No person who resides within the jurisdiction of the local authority shall ride or propel a bicycle on any highway or upon any public path set aside for the exclusive use of bicycles unless such bicycle has been licensed and a license plate or decal is

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attached thereto as provided in WAC 308-330-500 through 308-330-540.

[Statutory Authority: RCW 46.90.010. 94-01-082, § 308-330-500, filed 12/13/93, effective 7/1/94.]

WAC 308-330-505 Bicycle license application. Application for a bicycle license and license plate or decal shall be made upon a form provided by and to the chief of police. An annual license fee as prescribed by the local authority shall be paid to the local authority before each license or renewal thereof is granted. Duplicate license plates or decals may be supplied for the same cost as the original plate or decal in the event of loss of the plate or decal.

[Statutory Authority: RCW 46.90.010. 94-01-082, § 308-330-505, filed 12/13/93, effective 7/1/94.]

WAC 308-330-510 Issuance of bicycle license. (1) The chief of police upon receiving proper application therefor is authorized to issue a bicycle license which shall be effective for one calendar year.

(2) The chief of police shall not issue a license for any bicycle when he/she knows or has reasonable grounds to believe that the applicant is not the owner of, or entitled to the possession of, such bicycle.

(3) The chief of police shall keep a record of the number of each license, the date issued, the name and address of the person to whom issued, and a record of all bicycle license fees collected by him.

[Statutory Authority: RCW 46.90.010. 94-01-082, § 308-330-510, filed 12/13/93, effective 7/1/94.]

WAC 308-330-515 Attachment of bicycle license plate or decal. (1) The chief of police, upon issuing a bicycle license, shall also issue a license plate or decal bearing the license number assigned to the bicycle, and the name of the local authority.

(2) Such license plate or decal shall be firmly attached to the rear mudguard or frame of the bicycle for which issued in such position as to be plainly visible from the rear.

(3) No person shall remove a license plate or decal from a bicycle during the period for which issued except upon a transfer of ownership or in the event the bicycle is dismantled and no longer operated upon any highway within the jurisdiction of the local authority.

[Statutory Authority: RCW 46.90.010. 94-01-082, § 308-330-515, filed 12/13/93, effective 7/1/94.]

WAC 308-330-520 Inspection of bicycles. The chief of police, or an officer assigned such responsibility, may inspect each bicycle before licensing the same and may refuse a license for any bicycle which he/she determines is in unsafe mechanical condition.

[Statutory Authority: RCW 46.90.010. 94-01-082, § 308-330-520, filed 12/13/93, effective 7/1/94.]

WAC 308-330-525 Renewal of bicycle license. Upon the expiration of any bicycle license, the same may be renewed upon application and payment of the same fee as upon an original application.

[Statutory Authority: RCW 46.90.010. 94-01-082, § 308-330-525, filed 12/13/93, effective 7/1/94.]

WAC 308-330-530 Bicycle transfer of ownership.

Upon the sale or other transfer of a licensed bicycle, the licensee shall remove the license plate or decal and shall either surrender the same to the chief of police or may upon proper application, but without payment of additional fee, have such plate or decal assigned to another bicycle owned by the applicant.

[Statutory Authority: RCW 46.90.010. 94-01-082, § 308-330-530, filed 12/13/93, effective 7/1/94.]

WAC 308-330-535 Bicycle rental agencies. A rental agency shall not rent or offer any bicycle for rent unless the bicycle is licensed and a license plate or decal is attached thereto as provided herein and such bicycle is equipped with the equipment required by RCW 46.61.780.

[Statutory Authority: RCW 46.90.010. 94-01-082, § 308-330-535, filed 12/13/93, effective 7/1/94.]

WAC 308-330-540 Bicycle dealers. Every person engaged in the business of buying or selling new or second-hand bicycles shall make a report to the chief of police of every bicycle purchased or sold by such dealer, giving the name and address of the person from whom purchased or to whom sold, a description of such bicycle by name or make, the frame number thereof, and number of license plate or decal, if any, found thereon.

[Statutory Authority: RCW 46.90.010. 94-01-082, § 308-330-540, filed 12/13/93, effective 7/1/94.]

WAC 308-330-545 Bicycles—Obedience to traffic control devices. (1) Any person operating a bicycle shall obey the instructions of official traffic control devices applicable to vehicles, unless otherwise directed by a police officer.

(2) Whenever authorized signs are erected indicating that no right or left or U-turn is permitted, no person operating a bicycle shall disobey the directions of any such sign, except where such person dismounts from the bicycle at the right-hand curb or as close as is practicable to the right edge of the right-hand shoulder to make any such turn, in which event such person shall then obey the regulations applicable to pedestrians.

[Statutory Authority: RCW 46.90.010. 94-01-082, § 308-330-545, filed 12/13/93, effective 7/1/94.]

WAC 308-330-550 Bicycles—Parking. No person shall park a bicycle upon a highway other than:

- (1) Off the roadway except in designated areas;
- (2) Upon the sidewalk in a rack to support the bicycle;
- (3) Against a building; or
- (4) In such manner as to afford the least obstruction to pedestrian traffic.

[Statutory Authority: RCW 46.90.010. 94-01-082, § 308-330-550, filed 12/13/93, effective 7/1/94.]

WAC 308-330-555 Bicycles—Riding on sidewalks.

(1) No person shall ride a bicycle upon a sidewalk in a business district.

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(2) A person may ride a bicycle on any other sidewalk or any roadway unless restricted or prohibited by traffic control devices.

(3) Whenever any person is riding a bicycle upon a sidewalk, such person shall yield the right of way to any pedestrian.

[Statutory Authority: RCW 46.90.010. 94-01-082, § 308-330-555, filed 12/13/93, effective 7/1/94.]

WAC 308-330-560 Bicycles—Penalties. Violation of any provision of WAC 308-330-500 through 308-330-540 is a traffic infraction.

[Statutory Authority: RCW 46.90.010. 94-01-082, § 308-330-560, filed 12/13/93, effective 7/1/94.]

WAC 308-330-565 Unclaimed bicycles. All unclaimed bicycles in the custody of the police department shall be disposed of as provided in chapter 63.32 RCW.

[Statutory Authority: RCW 46.90.010. 94-01-082, § 308-330-565, filed 12/13/93, effective 7/1/94.]

WAC 308-330-600 Parking meter spaces. No person shall park a vehicle in any designated parking meter space during the restricted or regulated time applicable to the parking meter zone in which such meter is located so that any part of such vehicle occupies more than one such space or protrudes beyond the markings designating such space, except that a vehicle which is of a size too large to be parked within a single designated parking meter space shall be permitted to occupy two adjoining parking meter spaces when coins shall have been deposited in the parking meter for each space so occupied as is required for the parking of other vehicles in such spaces.

[Statutory Authority: RCW 46.90.010. 94-01-082, § 308-330-600, filed 12/13/93, effective 7/1/94.]

WAC 308-330-610 Parking meters—Deposit of coins and time limits. (1) No person shall park a vehicle in any parking meter space alongside of and next to which a parking meter has been installed during the restricted and regulated time applicable to the parking meter zone in which such meter is located unless a United States coin or coins of the appropriate denomination as indicated on the parking meter shall have been deposited therein, or shall have been previously deposited therein for an unexpired interval of time, and said meter has been placed in operation.

(2) No person shall permit a vehicle within his/her control to be parked in any parking meter space during the restricted and regulated time applicable to the parking meter zone in which such meter is located while the parking meter for such space indicates by signal that the lawful parking time in such space has expired. This provision shall not apply to the act of parking or the necessary time which is required to deposit immediately thereafter a coin or coins in such meter.

(3) No person shall park a vehicle in any parking meter space for a consecutive period of time longer than that limited period of time for which parking is lawfully permitted in the parking meter zone in which such meter is located, irrespective of the number or amounts of the coins deposited in such meter.

(4) The provisions of this section shall not relieve any person from the duty to observe other and more restrictive provisions of this chapter prohibiting or limiting the stopping, standing, or parking of vehicles in specified places or at specified times.

[Statutory Authority: RCW 46.90.010. 94-01-082, § 308-330-610, filed 12/13/93, effective 7/1/94.]

WAC 308-330-620 Parking meters—Use of slugs prohibited. No person shall deposit or attempt to deposit in any parking meter any bent coin, slug, button, or any other device or substance as substitutes for United States coins.

[Statutory Authority: RCW 46.90.010. 94-01-082, § 308-330-620, filed 12/13/93, effective 7/1/94.]

WAC 308-330-630 Tampering with parking meter. No person shall deface, injure, tamper with, open, or wilfully break, destroy, or impair the usefulness of any parking meter.

[Statutory Authority: RCW 46.90.010. 94-01-082, § 308-330-630, filed 12/13/93, effective 7/1/94.]

WAC 308-330-640 Parking meters—Rule of evidence. The parking or standing of any motor vehicle in a parking space, at which space the parking meter displays the sign or signal indicating illegal parking, shall constitute a prima facie presumption that the vehicle has been parked or allowed to stand in such space for a period longer than permitted by this chapter.

[Statutory Authority: RCW 46.90.010. 94-01-082, § 308-330-640, filed 12/13/93, effective 7/1/94.]

WAC 308-330-650 Parking meters—Application of proceeds. (1) The coins required to be deposited in parking meters are levied and assessed as fees to cover the regulation and control of parking upon highways, the costs of parking meters, their installation, inspection, supervision, operation, repair, and maintenance, control and use of parking spaces, and regulating the parking of vehicles in parking meter zones; and the costs of acquiring, establishing, improving, maintaining, and operating public off-street parking facilities.

(2) The coins deposited in parking meters shall be collected by the duly authorized agents of the local authority and shall be deposited by them as directed by the local authority.

(3) The local authority shall pay from the moneys collected from parking meters the costs for any parking meters purchased and installed as provided herein, and expenses incurred for their installation, inspection, service, supervision, repair, and maintenance, for making collections from such parking meters, and for the enforcement of provisions herein applicable to parking meter zones. The net proceeds derived from the operation of parking meters after the payment of such costs and expenses, may be used for parking studies and for the acquisition, establishment, improvement, maintenance, and operation of public off-street parking facilities.

[Statutory Authority: RCW 46.90.010. 94-01-082, § 308-330-650, filed 12/13/93, effective 7/1/94.]

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WAC 308-330-660 Service parking. The chief of police is authorized to issue a permit for service parking upon payment of the fee prescribed by the local authority and upon the following conditions:

(1) Application shall be made to the chief of police on such forms as the chief of police shall prescribe. The applicant shall set forth the applicant's business and the necessity for such permit. The chief of police shall investigate the facts as necessary.

(2) If it appears that a necessity exists, the chief of police may authorize the issuance of such permit under the conditions prescribed in this section.

(3) Upon issuance of the permit, the permittee shall be issued a hood to use in covering any parking meter. As many hoods may be issued upon payment of the prescribed fee as the chief of police deems necessary or convenient for the applicant. The hood shall be provided with a padlock, tow keys, and an identification card attached with a blank space thereon.

(4) Upon entering any parking meter space available, the permittee shall place the hood over the parking meter and lock the same and shall indicate in such blank space the exact place where the service work is being rendered.

(5) The permittee shall not place the hood over any meter when the space is occupied by another vehicle, and shall before vacating the space at the conclusion of the work remove the hood. The hood shall not be allowed to remain in place for over one hour when the space is not occupied by an authorized vehicle, nor shall it be allowed to remain in place after 6:00 p.m. on any weekday or on any Sunday or holiday. It shall not be used during hours when parking or stopping in the parking meter space is prohibited. No vehicle licensed as a passenger car shall be parked in the space covered by the hooded parking meter.

(6) The chief of police may revoke any permit if the service parking hood is used for any purpose other than that authorized in this section or for any violation of this chapter. Upon revocation, the hood shall immediately be returned to the police department and all fees paid shall be forfeited. Police officers finding such hood in use shall investigate the use being made thereof, and if it is found in violation of this section shall report the facts to the chief of police.

(7) Any permit issued under this section shall, unless revoked, be valid for a period of one year.

(8) The permittee shall also pay a deposit in an amount prescribed by the local authority at the time of issuance of the hood, padlock, and keys, which shall remain the property of the local authority. In case a hood, a padlock, or key becomes lost or destroyed or so defaced that it is no longer usable, the permittee shall forfeit deposit.

[Statutory Authority: RCW 46.90.010. 94-01-082, § 308-330-660, filed 12/13/93, effective 7/1/94.]

WAC 308-330-700 RCW sections adopted—Disposition of traffic infractions. The following sections of the Revised Code of Washington (RCW) pertaining to the disposition of traffic infractions as now or hereafter amended are hereby adopted by such reference as a part of this chapter in all respects as though such sections were set forth herein in full: RCW 46.63.010, 46.63.020, 46.63.030, 46.63.040, 46.63.060, 46.63.070, 46.63.075, 46.63.080, 46.63.090,

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46.63.100, 46.63.110, 46.63.120, 46.63.130, 46.63.140, 46.63.151, and 46.63.160.

[Statutory Authority: RCW 46.90.010. 04-18-061, § 308-330-700, filed 8/27/04, effective 9/27/04; 94-01-082, § 308-330-700, filed 12/13/93, effective 7/1/94.]

WAC 308-330-705 RCW sections adopted—Enforcement. The following sections of the Revised Code of Washington (RCW) pertaining to traffic enforcement agencies as now or hereafter amended are hereby adopted by reference as a part of this chapter in all respects as though such sections were set forth herein in full: RCW 46.64.010, 46.64.015, 46.64.025, 46.64.030, 46.64.035, 46.64.048, 46.64.050, and 46.64.055.

[Statutory Authority: RCW 46.90.010. 04-18-061, § 308-330-705, filed 8/27/04, effective 9/27/04; 02-04-075, § 308-330-705, filed 2/1/02, effective 3/4/02; 94-01-082, § 308-330-705, filed 12/13/93, effective 7/1/94.]

WAC 308-330-710 Penalties. Unless another penalty is expressly provided by law, any person found to have committed an act designated a traffic infraction under the provisions of these rules shall be punished by a penalty of not more than two hundred fifty dollars.

[Statutory Authority: RCW 46.90.010. 94-01-082, § 308-330-710, filed 12/13/93, effective 7/1/94.]

WAC 308-330-720 Citation on illegally parked vehicle. Whenever any motor vehicle without driver is found parked, standing, or stopped in violation of this chapter, the officer finding such vehicle shall take its registration number and may take any other information displayed on the vehicle which may identify its user, and shall conspicuously affix to such vehicle a traffic citation.

[Statutory Authority: RCW 46.90.010. 94-01-082, § 308-330-720, filed 12/13/93, effective 7/1/94.]

WAC 308-330-730 Failure to comply with traffic citation attached to parked vehicle. If a violator of any provision of this chapter on stopping, standing, or parking does not appear in response to a traffic citation affixed to such motor vehicle within a period of five days, the clerk of the traffic court shall send to the owner of the motor vehicle to which the traffic citation was affixed a letter informing him/her of the violation and warning him/her that in the event such letter is disregarded for a period of five days, a warrant of arrest will be issued.

[Statutory Authority: RCW 46.90.010. 94-01-082, § 308-330-730, filed 12/13/93, effective 7/1/94.]

WAC 308-330-740 Presumption in reference to illegal parking. (1) In any prosecution charging a violation of any law or regulation governing the stopping, standing, or parking of a vehicle, proof that the particular vehicle described in the complaint was stopping, standing, or parking in violation of any such law or regulation, together with proof that the defendant named in the complaint was at the time of such violation, the registered owner of such vehicle, shall constitute in evidence a prima facie presumption that the registered owner of such vehicle was the person who parked or placed such vehicle at the point where, and for the time during which, such violation occurred.

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(2) The foregoing stated presumption shall apply only when the procedure as prescribed in WAC 308-330-720 and 308-330-730 has been followed.

[Statutory Authority: RCW 46.90.010. 94-01-082, § 308-330-740, filed 12/13/93, effective 7/1/94.]

WAC 308-330-800 RCW sections adopted—Traffic control devices. The following sections of the Revised Code of Washington (RCW) pertaining to traffic control devices as now or hereafter amended are hereby adopted by reference as a part of this chapter in all respects as though such sections were set forth herein in full: RCW 47.36.005, 47.36.060, 47.36.110, 47.36.141, 47.36.180, 47.36.200, 47.36.210, 47.36.220, 47.36.230, and 47.36.250.

[Statutory Authority: RCW 46.90.010. 04-18-061, § 308-330-800, filed 8/27/04, effective 9/27/04; 97-10-068, § 308-330-800, filed 5/5/97, effective 6/5/97; 94-01-082, § 308-330-800, filed 12/13/93, effective 7/1/94.]

WAC 308-330-810 RCW sections adopted—Limited access facilities. The following sections of the Revised Code of Washington (RCW) pertaining to limited access facilities as now or hereafter amended are hereby adopted by reference as a part of this chapter in all respects as though such sections were set forth herein in full: RCW 47.52.010, 47.52.011, 47.52.040, 47.52.110, and 47.52.120.

[Statutory Authority: RCW 46.90.010. 94-01-082, § 308-330-810, filed 12/13/93, effective 7/1/94.]

WAC 308-330-815 RCW sections adopted—Alcoholic beverage control. The following sections of the Revised Code of Washington (RCW) pertaining to drinking in public conveyance as now or hereafter amended are hereby adopted by reference as a part of this chapter in all respects as though such sections were set forth herein in full: RCW 66.44.240 and 66.44.250.

[Statutory Authority: RCW 46.90.010. 94-01-082, § 308-330-815, filed 12/13/93, effective 7/1/94.]

WAC 308-330-820 RCW sections adopted—Guide and service dogs. The following sections of the Revised Code of Washington (RCW) pertaining to guide and service dogs as now or hereafter amended are hereby adopted by reference as a part of this chapter in all respects as though such sections were set forth herein in full: RCW 70.84.020, 70.84.021, and 70.84.040.

[Statutory Authority: RCW 46.90.010. 94-01-082, § 308-330-820, filed 12/13/93, effective 7/1/94.]

WAC 308-330-825 RCW sections adopted—Littering. The following section of the Revised Code of Washington (RCW) pertaining to littering as now or hereafter amended is hereby adopted by reference as a part of this chapter in all respects as though such section were set forth herein in full: RCW 70.93.030, 70.93.050, 70.93.060, and 70.93.097.

[Statutory Authority: RCW 46.90.010. 97-10-068, § 308-330-825, filed 5/5/97, effective 6/5/97; 94-01-082, § 308-330-825, filed 12/13/93, effective 7/1/94.]

WAC 308-330-910 Uniformity of interpretation. This chapter shall be so interpreted and construed as to effectuate

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its general purpose to make uniform the laws of those local authorities which enact it.

[Statutory Authority: RCW 46.90.010, 94-01-082, § 308-330-910, filed 12/13/93, effective 7/1/94.]

Chapter 308-390 WAC
UNIFORM COMMERCIAL CODE, REVISED
ARTICLE 9

(Formerly chapters 308-400 and 308-410 WAC)

WAC

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**DISPOSITION OF SECTIONS FORMERLY
 CODIFIED IN THIS CHAPTER**

308-390-200	Acceptance and refusal of records. [Statutory Authority: Chapters 62A.9, 60.11, 60.13, 60.68, and 62A.9A RCW. 01-10-056, § 308-390-200, filed 4/27/01, effective 7/1/01.] Repealed by 04-15-100, filed 7/19/04, effective 8/19/04. Statutory Authority: RCW 62A.9A-526, chapters 60.11, 60.13, 60.68 RCW.
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WAC 308-390-100 General provisions. (1) These rules are adopted under the authority of Revised Article 9 of the Uniform Commercial Code, chapter 62A.9A RCW. The rules set forth in this chapter are effective with respect to financing statements filed on or after July 1, 2001, and to predecessor filings in effect immediately prior to that date.

(2) The duties and responsibilities of the filing officer with respect to the administration of the UCC are ministerial.

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In accepting for filing or refusing to file a UCC record pursuant to these rules, the filing officer does none of the following:

- (a) Determine the legal sufficiency or insufficiency of a record.
- (b) Determine that a security interest in collateral exists or does not exist.
- (c) Determine that information in the record is correct or incorrect, in whole or in part.
- (d) Create a presumption that information in the record is correct or incorrect, in whole or in part.

[Statutory Authority: Chapters 62A.9, 60.11, 60.13, 60.68, and 62A.9A RCW. 01-10-056, § 308-390-100, filed 4/27/01, effective 7/1/01.]

WAC 308-390-101 Definitions. The following terms shall have the respective meanings provided in this rule. Terms not defined in this rule shall have the respective meanings given such terms in chapter 62A.9A RCW.

(1) "ACH account" is a method of payment via electronic funds transfer under National Automated Clearing House Association rules and agreement with the department of licensing.

(2) "Active record" means a UCC record that has not reached the one-year anniversary of its lapse date.

(3) "Address" means a name or other identifying information, either a street address, route number (may include box) or a P.O. Box number plus the city and state or country.

(4) "Amendment" means a UCC record that amends the information contained in a financing statement. Amendments include assignments, continuations and terminations.

(5) "Assignment" is an amendment that assigns all or a part of a secured party's power to authorize an amendment to a financing statement.

(6) "Certified search" is a certified record of information maintained by the filing office.

(7) "Continuation" shall have the meaning prescribed by RCW 62A.9A-102(27).

(8) "Correction statement" means a UCC record that indicates that a financing statement is inaccurate or wrongfully filed.

(9) "File number" shall have the meaning prescribed by RCW 62A.9A-519(b).

(10) "Filing office" and "filing officer" mean the department of licensing and the director of the department of licensing or designee.

(11) "Filing officer statement" means a statement entered into the filing office's information system to correct an error by the filing office.

(12) "Financing statement" shall have the meaning prescribed by RCW 62A.9A-102(39).

(13) "Image" means the image of a financing statement, or portion of a financing statement, as stored in the UCC information management system.

(14) "Inactive record" means a UCC record that has reached the first anniversary of its lapse date.

(15) "Individual" means a human being, or a decedent in the case of a debtor that is such decedent's estate.

(16) "Initial financing statement" means a UCC record containing the information required to be in an initial financing statement and that causes the filing office to establish the initial record of existence of a financing statement.

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(17) "On-line services" means the interactive internet application for filing and search functions.

(18) "Organization" means a legal person who is not an individual.

(19) "Organizational number" means the identifying number issued to an entity upon the formation of that entity by the filing office in the jurisdiction of formation.

(20) "Remitter" means a person who tenders a UCC record to the filing officer for filing, whether the person is a filer or an agent of a filer responsible for tendering the record for filing. "Remitter" does not include a person responsible merely for the delivery of the record to the filing office, such as the postal service or a courier service but does include a service provider who acts as a filer's representative in the filing process.

(21) "Secured party of record" shall have the meaning prescribed in RCW 62A.9A-511.

(22) "Termination statement" shall have the meaning prescribed by RCW 62A.9A-102(79).

(23) "UCC" means the Uniform Commercial Code as adopted in this state under chapter 62A.9A RCW.

(24) "UCC record" means an initial financing statement, an amendment, an assignment, a continuation, a termination or a correction statement and shall not be deemed to refer exclusively to paper or paper-based writings.

(25) "UCC web site" means the series of related internet web pages provided for on-line filing and search functions.

[Statutory Authority: RCW 62A.9A-526, chapters 60.11, 60.13, 60.68 RCW. 04-15-100, § 308-390-101, filed 7/19/04, effective 8/19/04. Statutory Authority: Chapters 62A.9, 60.11, 60.13, 60.68, and 62A.9A RCW. 01-10-056, § 308-390-101, filed 4/27/01, effective 7/1/01.]

WAC 308-390-102 UCC record delivery and time of filing. UCC documents may be tendered for filing at the filing office as follows:

(1) Personal delivery, at the filing office's street address between 8:30 a.m. and 4:30 p.m., Monday through Friday except state holidays. The file time for a UCC document delivered by this method is when the UCC document is received by the filing office (even though the UCC document may not yet have been accepted for filing and subsequently may be rejected).

(2) Express mail delivery, at the filing office's street address during regular business hours. The file time for a UCC document delivered by this method is 5:00 p.m. on the day of delivery (even though the UCC document may not yet have been accepted for filing and may be subsequently rejected). A UCC document delivered after regular business hours or on a day the filing office is not open for business will have a filing time of 5:00 p.m. on the next day the filing office is open for business.

(3) Postal service delivery, to the filing office's mailing address. The file time for a UCC document delivered by this method is 5:00 p.m. on the day of delivery (even though the UCC document may not yet have been accepted for filing and may be subsequently rejected). A UCC document delivered after regular business hours or on a day the filing office is not open for business will have a filing time of 5:00 p.m. on the next day the filing office is open for business.

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(4) Electronic mail and telefacsimile delivery, to the filing office's e-mail address or the filing office's fax filing telephone number, are not accepted.

(5) Electronic filing. Financing statements may be entered on-line after July 1, 2001, as described in WAC 308-390-313 and 308-390-315. The time of filing of a financing statement delivered by direct on-line access or by web page data entry is the time that the filing office's information management system analyzes the relevant transmission, determines that all the required elements of the transmission have been received in a required format, and acknowledges acceptance to that system.

[Statutory Authority: RCW 62A.9A-526, chapters 60.11, 60.13, 60.68 RCW. 04-15-100, § 308-390-102, filed 7/19/04, effective 8/19/04. Statutory Authority: Chapters 62A.9, 60.11, 60.13, 60.68, and 62A.9A RCW. 01-10-056, § 308-390-102, filed 4/27/01, effective 7/1/01.]

WAC 308-390-103 Search request delivery. UCC search requests may be delivered to the filing office by any of the means by which UCC documents may be delivered to the filing office. A search request for a debtor named on an initial financing statement may be made on the initial financing statement form if the form is accepted and the relevant search fee is also tendered.

[Statutory Authority: Chapters 62A.9, 60.11, 60.13, 60.68, and 62A.9A RCW. 01-10-056, § 308-390-103, filed 4/27/01, effective 7/1/01.]

WAC 308-390-104 Forms. Only the forms prescribed by RCW 62A.9A-521 and other forms approved by the International Association of Commercial Administrators or any successor organization and/or the filing office shall be accepted.

[Statutory Authority: RCW 62A.9A-526, chapters 60.11, 60.13, 60.68 RCW. 04-15-100, § 308-390-104, filed 7/19/04, effective 8/19/04. Statutory Authority: Chapters 62A.9, 60.11, 60.13, 60.68, and 62A.9A RCW. 01-10-056, § 308-390-104, filed 4/27/01, effective 7/1/01.]

WAC 308-390-105 Fees. (1) The fee for filing and indexing a UCC document of one or two pages communicated on paper or in a paper-based format is \$13.28. If there are additional pages, the fee is \$1.00 for each additional page. But the fee for filing and indexing a UCC document communicated by a medium authorized by these rules which is other than on paper or in a paper-based format shall be \$10.00.

(2) For an initial financing statement that indicates that it is filed in connection with a public-finance transaction or in connection with a manufactured-home transaction will be filed at the fee provided in subsection (1) of this section.

(3) UCC search fee. The fee for a UCC search request communicated on paper or in a paper-based format is \$18.80. The fee for filing and indexing a UCC search request communicated by a medium authorized by these rules which is other than on paper or in a paper-based format shall be \$15.00.

(4) UCC search—Copies. The fee for a UCC search and copies of all relevant documents is \$26.57.

[Statutory Authority: RCW 62A.9A-526, chapters 60.11, 60.13, 60.68 RCW. 04-15-100, § 308-390-105, filed 7/19/04, effective 8/19/04. Statutory Authority: Chapters 62A.9, 60.11, 60.13, 60.68, and 62A.9A RCW. 01-10-056, § 308-390-105, filed 4/27/01, effective 7/1/01.]

WAC 308-390-106 Expedited services. Expedited services are not provided.

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[Statutory Authority: Chapters 62A.9, 60.11, 60.13, 60.68, and 62A.9A RCW. 01-10-056, § 308-390-106, filed 4/27/01, effective 7/1/01.]

WAC 308-390-107 Methods of payment. Filing fees and fees for public records services may be paid by the following methods:

(1) Cash. Payment in cash shall be accepted if paid in person at the filing office.

(2) Checks. Personal checks, cashier's checks and money orders made payable to the department of licensing shall be accepted if they are drawn on a bank acceptable to the filing office.

(3) Electronic funds transfer. The filing office may accept payment via electronic funds transfer under National Automated Clearing House Association (NACHA) rules from remitters who have entered into appropriate NACHA-approved arrangements for such transfers and who authorize the relevant transfer pursuant to such arrangements and rules.

(4) Credit cards. The filing office shall accept payment by credit cards issued by approved issuers. Remitters shall provide the filing officer with the card number, the expiration date of the card, the name of the card issuer, the name of the person or entity to whom the card was issued and the billing address for the card. Payment will not be deemed tendered until the issuer or its agent has confirmed payment. This method of payment is accepted for on-line services only.

[Statutory Authority: Chapters 62A.9, 60.11, 60.13, 60.68, and 62A.9A RCW. 01-10-056, § 308-390-107, filed 4/27/01, effective 7/1/01.]

WAC 308-390-108 Overpayment and underpayment policies. (1) Overpayment. The filing officer shall refund the amount of an overpayment exceeding \$10.00 to the remitter. The filing officer shall refund an overpayment of \$9.99 or less only upon the written request of the remitter.

(2) Underpayment. Upon receipt of a document with an insufficient fee, a copy of the document shall be returned to the remitter as provided in WAC 308-390-204(2). A refund shall be delivered under separate cover.

(3) All refunds shall be made in the form of a warrant issued by the state treasurer's office. Warrants shall be redeemed within one hundred eighty days from date of issue.

[Statutory Authority: RCW 62A.9A-526, chapters 60.11, 60.13, 60.68 RCW. 04-15-100, § 308-390-108, filed 7/19/04, effective 8/19/04. Statutory Authority: Chapters 62A.9, 60.11, 60.13, 60.68, and 62A.9A RCW. 01-10-056, § 308-390-108, filed 4/27/01, effective 7/1/01.]

WAC 308-390-109 Bulk records. Bulk data from the UCC information management system shall be available in a format approved by the department. A list of available data elements from the UCC information management system, and the file layout of the data elements, is available from the filing officer upon request. Charges shall be determined by written agreement between the department and the purchaser.

[Statutory Authority: Chapters 62A.9, 60.11, 60.13, 60.68, and 62A.9A RCW. 01-10-056, § 308-390-109, filed 4/27/01, effective 7/1/01.]

WAC 308-390-201 Multiple names. (1) To file multiple debtor and secured party names on a paper submittal, a filer must provide the additional names in designated boxes on approved addenda forms only. The approved addenda forms are UCC1Ad, UCC1Ap, and UCC3Ap. Addenda

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forms are approved as provided in WAC 308-390-104. The number of paper submittal addenda pages that may be attached is limited as set forth in subsection (2) of this section.

(2) The number and type of paper submittal addenda forms that may be filed and indexed is limited to the following combinations:

(a) UCC1 plus one addendum (UCC1Ad) form and/or one or two additional party (UCC1Ap) forms. This combination permits a maximum of nine debtor and six secured party names to be indexed.

(b) UCC3 plus one or two additional party (UCC3Ap) forms. This combination permits a maximum of seven debtor or five secured party names to be indexed.

(3) Debtor and secured party names appearing in the incorrect boxes or on paper submittal attachments or addenda in excess of that stated in subsection (2) of this section will be accepted but not added to the index.

(4) To file and index more names than provided on the allowable number of paper submittal addenda pages, a filer may file using the Washington UCC electronic filing function on the internet. Electronic filing permits an unlimited number of names to be filed and added to the index.

[Statutory Authority: RCW 62A.9A-526. 04-19-034, § 308-390-201, filed 9/9/04, effective 10/12/04. Statutory Authority: Chapters 62A.9, 60.11, 60.13, 60.68, and 62A.9A RCW. 01-10-056, § 308-390-201, filed 4/27/01, effective 7/1/01.]

WAC 308-390-202 Deadline for filing a continuation statement. (1) The first day on which a continuation may be filed is the date corresponding to the date upon which the financing statement would lapse, six months preceding the month in which the financing statement would lapse. If there is no such corresponding date, the first day on which a continuation may be filed is the last day of the sixth month preceding the month in which the financing statement would lapse.

(2) Last day permitted. The last day on which a continuation may be filed is the date upon which the financing statement lapses, although filing by certain means may not be possible on the date if the filing office is not open on that date. The relevant lapse date for a February 29 filing date shall be the March 1 in the fifth year following the year of the filing date.

(2) Last day permitted. The last day on which a continuation may be filed is the date upon which the financing statement lapses, although filing by certain means may not be possible on the date if the filing office is not open on that date. The relevant lapse date for a February 29 filing date shall be the March 1 in the fifth year following the year of the filing date.

[Statutory Authority: Chapters 62A.9, 60.11, 60.13, 60.68, and 62A.9A RCW. 01-10-056, § 308-390-202, filed 4/27/01, effective 7/1/01.]

WAC 308-390-203 Acknowledgment. (1) If there is no ground for refusal of the document, an acknowledgment is prepared and sent to the address provided in box B of the national forms. If the financing statement was tendered by on-line access, the notice or acknowledgment is transmitted to the remitter by on-line response.

(2) The acknowledgment will show the financing statement as it was indexed. The filer shall be responsible for verifying that the information was indexed accurately. If an input error is detected, the filer must notify the filing office within ninety days of the date of filing and the record will be corrected as provided in WAC 308-390-401.

[Statutory Authority: RCW 62A.9A-526, chapters 60.11, 60.13, 60.68 RCW. 04-15-100, § 308-390-203, filed 7/19/04, effective 8/19/04. Statutory

Authority: Chapters 62A.9, 60.11, 60.13, 60.68, and 62A.9A RCW. 01-10-056, § 308-390-203, filed 4/27/01, effective 7/1/01.]

WAC 308-390-204 Grounds for refusal. (1) In addition to the grounds listed in RCW 62A.9A-516 allowing the filing officer to refuse a UCC record, the filing officer shall refuse a UCC record if:

(a) The record contains illegible information. The term "illegible" is not limited to refer only to written expressions on paper; it requires machine-readable transmission in all formats. Labels and imprints from an ink stamp are illegible.

(b) No address as defined in WAC 308-390-101 is given in the address field.

(c) The information on the financing statement form is not machine-printed. Attachments to the form, however, may be handwritten.

(d) The filing officer is unable to decipher the information provided.

(2) Procedure upon refusal. If the filing officer finds grounds to refuse a financing statement, the filing officer shall return an image of the document to the remitter and shall refund the filing fee in the form of a warrant issued by the state treasurer's office.

(3) Multiple secured parties. If the record contains more than one secured party or assignee name or address and some names or addresses are missing, the grounds for refusal shall be applied to each secured party separately.

(4) Notification of defects. Nothing in these rules prevents a filing officer from communicating to a filer or a remitter that the filing officer noticed apparent potential defects in a UCC document, whether or not it was filed or refused for filing. However, the filing office is under no obligation to do so and may not, in fact, have the resources to do so or to identify such defects. The responsibility for the legal effectiveness of filing rests with filers and remitters and the filing office bears no responsibility for such effectiveness.

(5) Refusal errors. If, within ninety days of the date of the refusal notice, a secured party or a remitter demonstrates to the satisfaction of the filing officer that a UCC record that was refused for filing should not have been refused, the filing officer will file the UCC record with the filing date and time the UCC record was originally tendered for filing. A filing officer statement record relating to the relevant initial financing statement will be placed in the UCC information management system on the date that the corrective action was taken. The filing officer statement must provide the date of the correction and explain the nature of the corrective action taken. The record shall be preserved for so long as the record of the initial financing statement is preserved in the UCC information management system.

[Statutory Authority: RCW 62A.9A-526, chapters 60.11, 60.13, 60.68 RCW. 04-15-100, § 308-390-204, filed 7/19/04, effective 8/19/04. Statutory Authority: Chapters 62A.9, 60.11, 60.13, 60.68, and 62A.9A RCW. 01-10-056, § 308-390-204, filed 4/27/01, effective 7/1/01.]

WAC 308-390-300 UCC information management system. The filing officer uses an information management system to store, index, and retrieve information relating to financing statements. The information management system includes an index of the names of debtors named on active

financing statements. The rules in this section describe the UCC information management system.

[Statutory Authority: RCW 62A.9A-526, chapters 60.11, 60.13, 60.68 RCW. 04-15-100, § 308-390-300, filed 7/19/04, effective 8/19/04. Statutory Authority: Chapters 62A.9, 60.11, 60.13, 60.68, and 62A.9A RCW. 01-10-056, § 308-390-300, filed 4/27/01, effective 7/1/01.]

WAC 308-390-301 Primary data elements. The primary data elements used in the UCC information management system are the following:

(1) Identification numbers.

(a) Each initial financing statement is identified by its file number as described in RCW 62A.9A-519(b). Identification of the initial financing statement is permanently associated with the record maintained for UCC documents in the UCC information management system. A record is created in the information management system for each initial financing statement and all information comprising such record is maintained in such system. Such record is identified by the same information assigned to the initial financing statement.

(b) A UCC document other than an initial financing statement is identified by a unique file number assigned by the filing officer. In the information management system, records of all UCC documents other than initial financing statements are linked to the record of their related initial financing statement.

(2) Type of document. The type of UCC document from which data is transferred is identified in the information management system from information supplied by the remitter.

(3) Filing date and filing time. The filing date and filing time of UCC documents are stored in the information management system. Calculation of the lapse date of an initial financing statement is based upon the filing date.

(4) Identification of parties. The names and addresses of debtors and secured parties are transferred from UCC documents to the UCC information management system using one or more data entry or transmittal techniques.

(5) Status of financing statement. In the information management system, each financing statement has a status of lapsed or unlapsed.

(6) Page count. The total number of pages in a UCC document is maintained in the information management system.

(7) Lapse indicator. An indicator is maintained by which the information management system identifies whether or not a financing statement will lapse and, if it does, when it will lapse. The lapse date is determined as provided in RCW 62A.9A-515.

[Statutory Authority: Chapters 62A.9, 60.11, 60.13, 60.68, and 62A.9A RCW. 01-10-056, § 308-390-301, filed 4/27/01, effective 7/1/01.]

WAC 308-390-302 Names of debtors who are individuals. For the purpose of this rule, "individual" means a human being, or a decedent in the case of a debtor that is such decedent's estate. This rule applies to the name of a debtor or a secured party on a UCC record who is an individual.

(1) Individual name fields. The names of individuals are stored in files that include only the names of individuals, and not the names of organizations. Separate data entry fields are established for first (given), middle (given), and last names (surnames or family names) of individuals. A filer should place the name of a debtor with a single name (e.g., "Cher")

in the last name field. The filing officer assumes no responsibility for the accurate designation of the components of a name but will accurately enter the data in accordance with the filer's designations.

(2) Titles and prefixes before names. Titles and prefixes, such as "doctor," "reverend," "Mr.," and "Ms.," should not be entered in the UCC information management system. However, when a UCC record is submitted with designated name fields, the data will be entered in the UCC information management system exactly as it appears.

(3) Titles and suffixes after names. Titles or indications of status such as "M.D." and "esquire" shall not be entered in the UCC information management system. Suffixes are not part of an individual's name and should not be provided by filers in UCC records. Suffixes that indicate which individual is being named, such as "senior," "junior," "I," "II," and "III," are entered in a field designated for name suffixes. In either case, they will be entered into the information management system exactly as received.

(4) Truncation—Individual names. Personal name fields in the UCC data base are fixed in length. Although filers should continue to provide full names on their UCC records, a name that exceeds the fixed length is entered as presented to the filing officer, up to the maximum length of the data entry field. The lengths of data entry name fields are as follows:

- (a) First name: 254 characters.
- (b) Middle name: 254 characters.
- (c) Last name: 254 characters.
- (d) Suffix: 10 characters.

[Statutory Authority: RCW 62A.9A-526, chapters 60.11, 60.13, 60.68 RCW. 04-15-100, § 308-390-302, filed 7/19/04, effective 8/19/04. Statutory Authority: Chapters 62A.9, 60.11, 60.13, 60.68, and 62A.9A RCW. 01-10-056, § 308-390-302, filed 4/27/01, effective 7/1/01.]

WAC 308-390-303 Names of debtors that are organizations. This rule applies to the name of an organization who is a debtor or a secured party on a UCC record.

(1) Single field. The names of organizations are stored in files that include only the names of organizations and not the names of individuals. A single field is used to store an organization name.

(2) Truncation—Organization names. The organization name field in the UCC data base is fixed in length. The maximum length is 300 characters. Although filers should continue to provide full names on their UCC records, a name that exceeds the fixed length is entered as presented to the filing officer, up to the maximum length of the data entry field.

[Statutory Authority: Chapters 62A.9, 60.11, 60.13, 60.68, and 62A.9A RCW. 01-10-056, § 308-390-303, filed 4/27/01, effective 7/1/01.]

WAC 308-390-304 Estates. Although they are not human beings, estates are treated as if the decedent were the debtor under WAC 308-390-302.

[Statutory Authority: Chapters 62A.9, 60.11, 60.13, 60.68, and 62A.9A RCW. 01-10-056, § 308-390-304, filed 4/27/01, effective 7/1/01.]

WAC 308-390-305 Trusts. If the trust is named in its organic record(s), its full legal name, as set forth in such record(s), is used. Such trusts are treated as organizations. If the trust is not so named, the name of the settlor is used. If a settlor is indicated to be an organization, the name is treated

as an organization name. If the settlor is an individual, the name is treated as an individual name. A UCC record that uses a settlor's name should include other information provided by the filer to distinguish the debtor trust from other trusts having the same settlor and all financing statements filed against trusts or trustees acting with respect to property held in trust should indicate the nature of the debtor. If this is done in, or as part of, the name of the debtor, it will be entered as if it were a part of the name under WAC 308-390-403.

[Statutory Authority: Chapters 62A.9, 60.11, 60.13, 60.68, and 62A.9A RCW. 01-10-056, § 308-390-305, filed 4/27/01, effective 7/1/01.]

WAC 308-390-306 Initial financing statement. Upon the filing of an initial financing statement, the status of the parties and the status of the financing statement shall be as follows:

(1) Status of secured party. Each secured party named on an initial financing statement shall be a secured party of record, except that if the UCC record names an assignee, the secured party/assignor shall not be a secured party of record and the secured party/assignee shall be a secured party of record.

(2) Status of debtor. The status of a debtor named on the record shall be active and shall continue as active until one year after the financing statement lapses.

(3) Status of financing statement. The status of the financing statement shall be active. A lapse date shall be calculated, five years from the file date, unless the initial financing statement indicates that it is filed with respect to a public-financing transaction or a manufactured-home transaction, in which case the lapse date shall be thirty years from the file date, or if the initial financing statement indicates that it is filed against a transmitting utility, in which case there shall be no lapse date. A financing statement remains active until one year after it lapses, or if it is indicated to be filed against a transmitting utility, until one year after it is terminated with respect to all secured parties of record.

[Statutory Authority: Chapters 62A.9, 60.11, 60.13, 60.68, and 62A.9A RCW. 01-10-056, § 308-390-306, filed 4/27/01, effective 7/1/01.]

WAC 308-390-307 Amendment. Upon the filing of an amendment the status of the parties and the status of the financing statement shall be as follows:

(1) Status of secured party and debtor. An amendment shall affect the status of its debtor(s) and secured party(ies) as follows:

(a) Collateral amendment or address change. An amendment that amends only the collateral description or one or more addresses has no effect upon the status of any debtor or secured party. If a statement of amendment is authorized by less than all of the secured parties (or, in the case of an amendment that adds collateral, less than all of the debtors), the statement affects only the interests of each authorizing secured party (or debtor).

(b) Debtor name change. An amendment that changes a debtor's name has no effect on the status of any debtor or secured party, except that the related initial financing statement and all UCC records that include an identification of such initial financing statement shall be cross-indexed in the UCC information management system so that a search under either the debtor's old name or the debtor's new name will

reveal such initial financing statement and such related UCC records. Such a statement of amendment affects only the rights of its authorizing secured party(ies).

(c) Secured party name change. An amendment that changes the name of a secured party has no effect on the status of any debtor or any secured party, but the new name is added to the index as if it were a new secured party of record.

(d) Addition of a debtor. An amendment that adds a new debtor name has no effect upon the status of any party to the financing statement, except the new debtor name shall be added as a new debtor on the financing statement. The addition shall affect only the rights of the secured party(ies) authorizing the statement of amendment.

(e) Addition of a secured party. An amendment that adds a new secured party shall not affect the status of any party to the financing statement, except that the new secured party name shall be added as a new secured party on the financing statement.

(f) Deletion of a debtor. An amendment that deletes a debtor has no effect on the status of any party to the financing statement, even if the amendment purports to delete all debtors.

(g) Deletion of a secured party. An amendment that deletes a secured party of record has no effect on the status of any party to the financing statement, even if the amendment purports to delete all secured parties of record.

(2) Status of financing statement. An amendment shall have no effect upon the status of the financing statement, except that a continuation may extend the period of effectiveness of a financing statement.

[Statutory Authority: Chapters 62A.9, 60.11, 60.13, 60.68, and 62A.9A RCW. 01-10-056, § 308-390-307, filed 4/27/01, effective 7/1/01.]

WAC 308-390-308 Assignment of powers of secured party of record. (1) Status of the parties. An assignment shall have no effect on the status of the parties to the financing statement, except that each assignee named in the assignment shall become a secured party of record.

(2) Status of financing statement. An assignment shall have no effect upon the status of the financing statement.

[Statutory Authority: Chapters 62A.9, 60.11, 60.13, 60.68, and 62A.9A RCW. 01-10-056, § 308-390-308, filed 4/27/01, effective 7/1/01.]

WAC 308-390-309 Status of parties upon filing a continuation. (1) Continuation of lapse date. Upon the timely filing of one or more continuations by any secured party(ies) of record, the lapse date of the financing statement shall be postponed for five years.

(2) Status of parties. The filing of a continuation shall have no effect upon the status of any party to the financing statement.

(3) Status of financing statement. Upon the filing of a continuation statement, the status of the financing statement remains active.

[Statutory Authority: Chapters 62A.9, 60.11, 60.13, 60.68, and 62A.9A RCW. 01-10-056, § 308-390-309, filed 4/27/01, effective 7/1/01.]

WAC 308-390-310 Status of parties upon filing a termination. (1) Status of parties. The filing of a termination

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shall have no effect upon the status of any party to the financing statement.

(2) Status of financing statement. A termination shall have no effect upon the status of the financing statement and the financing statement shall remain active in the information management system until one year after it lapses, unless the termination relates to a financing statement that indicates it is filed against a transmitting utility, in which case the financing statement will become inactive one year after it is terminated with respect to all secured parties of record.

[Statutory Authority: Chapters 62A.9, 60.11, 60.13, 60.68, and 62A.9A RCW. 01-10-056, § 308-390-310, filed 4/27/01, effective 7/1/01.]

WAC 308-390-311 Correction statement. (1) Status of parties. The filing of a correction statement shall have no effect upon the status of any party to the financing statement.

(2) Status of financing statement. A correction statement shall have no effect upon the status of the financing statement.

[Statutory Authority: Chapters 62A.9, 60.11, 60.13, 60.68, and 62A.9A RCW. 01-10-056, § 308-390-311, filed 4/27/01, effective 7/1/01.]

WAC 308-390-312 Procedure upon lapse. If there is no timely filing of a continuation with respect to a financing statement, the financing statement lapses on its lapse date but no action is then taken by the filing office. On the first anniversary of such lapse date, the information management system renders or is caused to render the financing statement lapsed and the financing statement will no longer be made available to a searcher unless unexpired statements are requested by the searcher and the financing statement is still retrievable by the information management system.

[Statutory Authority: Chapters 62A.9, 60.11, 60.13, 60.68, and 62A.9A RCW. 01-10-056, § 308-390-312, filed 4/27/01, effective 7/1/01.]

WAC 308-390-313 XML records. (1) The Extensible Markup Language (XML format), as adopted by the International Association of Corporation Administrators, is adopted in this state for electronic transmission of UCC records. At the request of an authorized XML remitter, the filing officer shall identify which versions and releases of the XML format are acceptable to the filing office.

(2) Implementation guide. The filing office publishes an implementation guide that prescribes the use of the XML format. The guide shall be available to the public upon request.

[Statutory Authority: Chapters 62A.9, 60.11, 60.13, 60.68, and 62A.9A RCW. 01-10-056, § 308-390-313, filed 4/27/01, effective 7/1/01.]

WAC 308-390-314 EDI documents. Electronic data interchange (EDI) of UCC records using ANSI X12 154 standards is not an accepted form of electronic transmission.

[Statutory Authority: Chapters 62A.9, 60.11, 60.13, 60.68, and 62A.9A RCW. 01-10-056, § 308-390-314, filed 4/27/01, effective 7/1/01.]

WAC 308-390-315 Direct on-line (non-XML) filing and search procedures. (1) Direct on-line filing and search services are available to any person with internet access to the UCC web site. On-line services require payment by credit card or an ACH account number as provided in WAC 308-390-107.

(2007 Ed.)

(2) Record filing procedures. Initial financing statements and amendments may be filed via the UCC web site that allows entry of the information permitted on the national forms. A record which is created by the filer in this manner is subject to all of the provisions of this chapter as if it were a paper document submitted to the filing office, except that attachments may not be submitted. Instructions on how to file are provided on the web site.

(3) Search request procedures. A certified search naming a particular debtor may be obtained via the UCC web site. A request that is created by the filer in this manner is subject to all of the provisions of this chapter as if it were a paper search request submitted to the filing office. Copies of individual financing statements may be ordered on-line, but will not be displayed or transmitted on-line. Copies will be deposited in the U.S. Postal Service within two business days following receipt of the request. Instructions on how to request a certified search are provided on the web site.

[Statutory Authority: Chapters 62A.9, 60.11, 60.13, 60.68, and 62A.9A RCW. 01-10-056, § 308-390-315, filed 4/27/01, effective 7/1/01.]

WAC 308-390-400 Filing and data entry procedures.

This section contains rules describing the filing procedures of the filing officer upon and after receipt of a UCC record. Except as provided in these rules, data are transferred from a UCC record to the information management system exactly as the data are set forth in the record or search request. No effort is made to correct errors of any kind.

[Statutory Authority: Chapters 62A.9, 60.11, 60.13, 60.68, and 62A.9A RCW. 01-10-056, § 308-390-400, filed 4/27/01, effective 7/1/01.]

WAC 308-390-401 Errors of the filing officer. The filing officer may correct the errors of filing officer personnel in the UCC information management system at any time. If the correction is made after the filing officer has issued a certification date that includes the filing date of corrected document, the filing officer shall proceed as follows. A filing officer statement record relating to the relevant initial financing statement will be placed in the UCC information management system on the date that the corrective action was taken. The filing officer statement must provide the date of the correction and explain the nature of the corrective action taken. The record shall be preserved for so long as the record of the initial financing statement is preserved in the UCC information management system.

[Statutory Authority: RCW 62A.9A-526, chapters 60.11, 60.13, 60.68 RCW. 04-15-100, § 308-390-401, filed 7/19/04, effective 8/19/04. Statutory Authority: Chapters 62A.9, 60.11, 60.13, 60.68, and 62A.9A RCW. 01-10-056, § 308-390-401, filed 4/27/01, effective 7/1/01.]

WAC 308-390-402 Notice of bankruptcy. The filing officer shall take no action upon receipt of a notification, formal or informal, of a bankruptcy proceeding involving a debtor named in the UCC information management system.

[Statutory Authority: Chapters 62A.9, 60.11, 60.13, 60.68, and 62A.9A RCW. 01-10-056, § 308-390-402, filed 4/27/01, effective 7/1/01.]

WAC 308-390-403 Data entry of names. A record should designate whether a name is a name of an individual or an organization. If the name is that of an individual, the first, middle and last names and any suffix shall be given.

(2007 Ed.)

(1) Organization names. Organization names are entered into the UCC information management system exactly as set forth in the UCC record, even if it appears that multiple names are set forth in the record or if it appears that the name of an individual has been included in the field designated for an organization name.

(2) Individual names. The filing officer enters the names into the first, middle, and last name and suffix fields in the UCC information management system exactly as set forth on the form.

[Statutory Authority: Chapters 62A.9, 60.11, 60.13, 60.68, and 62A.9A RCW. 01-10-056, § 308-390-403, filed 4/27/01, effective 7/1/01.]

WAC 308-390-500 Search requests and reports. General requirements. The filing officer maintains for public inspection a searchable index for all records of UCC documents. The index shall provide for the retrieval of a record by the name of the debtor and by the file number of the initial financing statement and each filed UCC document relating to the initial financing statement.

[Statutory Authority: RCW 62A.9A-526, chapters 60.11, 60.13, 60.68 RCW. 04-15-100, § 308-390-500, filed 7/19/04, effective 8/19/04. Statutory Authority: Chapters 62A.9, 60.11, 60.13, 60.68, and 62A.9A RCW. 01-10-056, § 308-390-500, filed 4/27/01, effective 7/1/01.]

WAC 308-390-501 Search requests. Search requests shall contain the following information:

(1) Name searched. A customer's search request should state the full correct name of the debtor or the name variant to be searched and must specify whether the debtor is an individual or an organization. A search request will be processed using the name in the exact form it is submitted.

(2) Fee. The appropriate fee shall be enclosed, payable by a method described in WAC 308-390-107.

(3) Search request with filing. If a filer requests a search at the time a UCC record is filed, the name searched will be the debtor name as set forth on the form. The requesting party shall be the remitter of the UCC document, and the search request shall be deemed to request a search that would retrieve all financing statements filed on or prior to the date the UCC document is filed.

[Statutory Authority: Chapters 62A.9, 60.11, 60.13, 60.68, and 62A.9A RCW. 01-10-056, § 308-390-501, filed 4/27/01, effective 7/1/01.]

WAC 308-390-502 Rules applied to search requests.

Search results are produced by the application of standardized search logic to the name presented to the filing officer. Human judgment does not play a role in determining the results of the search. The following rules apply to searches:

(1) There is no limit to the number of matches that may be returned in response to the search criteria.

(2) No distinction is made between upper and lower case letters.

(3) Punctuation marks and accents are disregarded.

(4) Certain words and abbreviations at the end of a name that indicate the existence or nature of an organization are disregarded. Those words and abbreviations are published on the *Washington State List of Ending Noise Words*.

(5) The word "the" at the beginning of the search criteria is disregarded.

(6) All spaces are disregarded.

(7) For first and middle names of individuals, initials are equated with all names that begin with such initials, and no middle name or initial is equated with all middle names and initials. For example, a search request for "John A. Smith" would cause the search to retrieve all filings against all individual debtors with "John" or the initial "J" as the first name, "Smith" as the last name, and with the initial "A" or any name beginning with "A" in the middle name field. If the search request were for "John Smith" (first and last names with no designation in the middle name field), the search would retrieve all filings against individual debtors with "John" or the initial "J" as the first name, "Smith" as the last name and with any name or initial or no name or initial in the middle name field.

(8) After using the preceding rules to modify the name to be searched, the search will reveal only names of debtors that are contained in unexpired financing statements and exactly match the name requested, as modified.

[Statutory Authority: RCW 62A.9A-526, chapters 60.11, 60.13, 60.68 RCW. 04-15-100, § 308-390-502, filed 7/19/04, effective 8/19/04. Statutory Authority: Chapters 62A.9, 60.11, 60.13, 60.68, and 62A.9A RCW. 01-10-056, § 308-390-502, filed 4/27/01, effective 7/1/01.]

WAC 308-390-503 Optional information. A UCC search request must be submitted on an approved form and may contain any of the following information:

(1) The request may limit the records requested by limiting them by the city of the debtor, the date of filing (or a range of filing dates), or specific file number(s). A report created by the filing officer in response to such a request shall contain the statement:

"A limited search may not reveal all filings against the debtor searched and the searcher bears the risk of relying on such a search."

(2) The request may ask for copies of all pages of UCC records identified on the primary search response.

(3) The request may ask for records of lien notices only.

(4) The request may ask for all records maintained by the information management system including those that have lapsed within the last twelve months.

(5) Instructions to return results by express mail will be honored if the remitter includes a prepaid way-bill or account number and the requested mode is available to the filing office.

[Statutory Authority: RCW 62A.9A-526, chapters 60.11, 60.13, 60.68 RCW. 04-15-100, § 308-390-503, filed 7/19/04, effective 8/19/04. Statutory Authority: Chapters 62A.9, 60.11, 60.13, 60.68, and 62A.9A RCW. 01-10-056, § 308-390-503, filed 4/27/01, effective 7/1/01.]

WAC 308-390-504 Search responses. Reports created in response to a search request shall include the following:

(1) Filing officer. Identification of the filing officer and the certification of the filing officer required by RCW 62A.9A-523.

(2) Report date. The date the report was generated.

(3) Name searched. Identification of the name searched.

(4) Certification date. The certification date and time for which the search is effective.

(5) Identification of initial financing statements. Identification of each unexpired initial financing statement or lien filed on or prior to the certification date and time correspond-

ing to the search criteria, by name of debtor, by identification number, and by file date and file time.

(6) History of financing statement. For each initial financing statement on the report, a listing of all related UCC records filed by the filing officer on or prior to the certification date.

(7) Copies. Copies of all UCC records revealed by the search and requested by the searcher.

[Statutory Authority: Chapters 62A.9, 60.11, 60.13, 60.68, and 62A.9A RCW. 01-10-056, § 308-390-504, filed 4/27/01, effective 7/1/01.]

WAC 308-390-505 Transition. For five years after the on-line search application is made available, a person may browse the UCC data base at no cost for the purpose of identifying debtor names to be searched. Instructions on how to use the browse function are provided on the UCC web site. The noncertified response to a debtor name browse will include whether or not an exact name match occurred and if so, in what city the debtor resides. A data browse may not reveal all filings against the debtor searched, or may reveal filings against other debtors, and the searcher bears the risk of relying on the uncertified inquiry.

[Statutory Authority: Chapters 62A.9, 60.11, 60.13, 60.68, and 62A.9A RCW. 01-10-056, § 308-390-505, filed 4/27/01, effective 7/1/01.]

WAC 308-390-600 Other lien notices. Notices of certain liens are filed in the UCC office and are included in search reports.

[Statutory Authority: Chapters 62A.9, 60.11, 60.13, 60.68, and 62A.9A RCW. 01-10-056, § 308-390-600, filed 4/27/01, effective 7/1/01.]

WAC 308-390-601 Agricultural liens. Agricultural liens are filed in the same manner as an initial financing statement. The filer shall designate the statement as an agricultural lien in box 5. The lien shall be indexed by debtor name and will be revealed by searches as provided in WAC 308-390-504.

[Statutory Authority: Chapters 62A.9, 60.11, 60.13, 60.68, and 62A.9A RCW. 01-10-056, § 308-390-601, filed 4/27/01, effective 7/1/01.]

WAC 308-390-602 Processor lien or preparer. (1) A producer or commercial fisherman may satisfy the condition in chapter 60.13 RCW that a statement evidencing the processor lien or preparer lien be filed pursuant to RCW 60.13.040 in a record, authenticated by the producer or fisherman, by using the same filing forms and procedures outlined in this chapter for filing a financing statement, and by satisfying the following additional statutory requirements prescribed in RCW 60.13.040:

(a) Designate the financing statement as a statement filed pursuant to RCW 60.13.040 evidencing the processor lien or preparer lien by marking "Non-UCC Filing" (not AG-lien) in box 5, and by stating which type of lien is claimed in box 8.

(b) State the true amount or a reasonable estimate of the debt demanded after deducting all credits and offsets and the date on which payment was due for the agricultural product or fish to be charged with the lien in box 10 of the Addendum.

(c) State the name and address of the processor(s), conditioner(s) or preparer(s) who received the agricultural prod-

uct or fish to be charged with the lien in boxes 1, 2 and 11, as needed.

(d) State the name and address of the lien holder in box 3.

(e) Add a description sufficient to identify the agricultural product or fish to be charged with the lien in box 4.

(f) Include the statement that the amount claimed is a true and bona fide existing debt as of the date of the filing of the notice evidencing the lien, and the statement that the act of filing this notice constitutes the present intention of the producer or commercial fisherman that the statements there are true and adopted by the producer or commercial fisherman as their own in box 10 of the Addendum. If you cannot include all of the information required to be included in box 10, use the additional space provided in box 16 of the Addendum with a cross-reference that it is a continuation of the information to be added to box 10.

(2) Authentication. The authorized filing of the financing statement on the approved forms, containing the additional information, and in the manner that complies with the requirements of this section is deemed to be an authenticated record by the producer or commercial fisherman as required by RCW 60.13.040(2).

(3) Where to file. File in the department of licensing as provided in WAC 308-390-102.

(4) Fee. The fees are the same as provided in WAC 308-390-105.

(5) Duration. As provided in RCW 60.13.060(1), the processor lien shall terminate twelve months after, and the preparer lien shall terminate fifty days after, the later of the date of attachment of the lien or filing of the statement, unless a suit to foreclose the lien has been filed before that time as provided in RCW 60.13.070. Thus a filed statement evidencing a processor lien or a preparer lien is not effective for five years, and need not, and may not be continued as provided in WAC 308-390-202.

(6) Mechanics of search. Crop liens claimed under chapter 60.11 RCW, processor liens or preparer liens claimed under chapter 60.13 RCW for which statements have been filed in accordance with this rule, and financing statements filed under RCW 62A.9A-310 are revealed in a search as provided in WAC 308-390-504.

[Statutory Authority: RCW 62A.9A-526, chapters 60.11, 60.13, 60.68 RCW. 04-15-100, § 308-390-602, filed 7/19/04, effective 8/19/04. Statutory Authority: Chapters 62A.9, 60.11, 60.13, 60.68, and 62A.9A RCW. 01-10-056, § 308-390-602, filed 4/27/01, effective 7/1/01.]

WAC 308-390-603 Notice of liens in favor of a governmental body. Records of certain governmental liens are maintained by the filing office under statutes other than the UCC and are treated in a manner substantially similar to UCC records. These liens are included on all searches as provided in WAC 308-390-504.

(1) Notice of Federal Tax Lien, RCW 60.68.045

(2) Criminal Profiteering Lien, RCW 9A.82.120-140

(3) Department of Justice Lien, RCW 60.68.015

[Statutory Authority: Chapters 62A.9, 60.11, 60.13, 60.68, and 62A.9A RCW. 01-10-056, § 308-390-603, filed 4/27/01, effective 7/1/01.]

(2007 Ed.)

Chapter 308-420 WAC CAMPING RESORTS—CONTRACTS—RESALE, ETC.

WAC

308-420-020	Definitions.
308-420-030	Reporting events that shall require that the operator keep written disclosures current.
308-420-040	Material events that are amendments requiring notice and a filing fee.
308-420-050	Exemptions from registration—Noncommercial resale contract offerings.
308-420-060	Statement of record—Filings and information required upon application for registration of start up camping resort projects and contract offerings.
308-420-070	The public offering statement—Form, content, and preparation.
308-420-090	The public offering statement—Delivery to prospective purchasers.
308-420-100	Purchaser cancellations of contracts—Prompt refund of funds and consideration.
308-420-110	Financial statements and information.
308-420-120	Written disclaimer of endorsement.
308-420-140	Receipt of written disclosures.
308-420-150	Depository.
308-420-160	Operation of impound condition.
308-420-170	Release of impounds.
308-420-180	Fee for impound.
308-420-190	Renewals.
308-420-200	Salesperson registrations.
308-420-210	Request for withdrawal of camping resort property.
308-420-220	Advertisements.
308-420-230	Rainchecks.
308-420-240	Fees and charges.
308-420-250	Application of brief adjudicative proceedings.
308-420-260	Preliminary record in brief adjudicative proceedings.
308-420-270	Conduct of brief adjudicative proceedings.

DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

308-420-010	Organization. [Statutory Authority: RCW 19.105.130. 91-01-082, § 308-420-010, filed 12/17/90, effective 1/17/91. Formerly WAC 460-90A-005.] Repealed by 03-03-054, filed 1/13/03, effective 2/13/03. Statutory Authority: RCW 19.105.530(1), 43.24.023.
308-420-080	Signing of application and the permit. [Statutory Authority: RCW 19.105.130. 91-01-082, § 308-420-080, filed 12/17/90, effective 1/17/91. Formerly WAC 460-90A-030.] Repealed by 03-03-054, filed 1/13/03, effective 2/13/03. Statutory Authority: RCW 19.105.530(1), 43.24.023.
308-420-130	Notice of termination of sales. [Statutory Authority: RCW 19.105.130. 91-01-082, § 308-420-130, filed 12/17/90, effective 1/17/91. Formerly WAC 460-90A-060.] Repealed by 03-03-054, filed 1/13/03, effective 2/13/03. Statutory Authority: RCW 19.105.530(1), 43.24.023.

WAC 308-420-020 Definitions. (1) Words and terms used in these rules shall have the same meaning as each has in the Camping Resorts Act, (chapter 19.105 RCW).

(2) "Agency" means the department of licensing in the state of Washington.

(3) "Camping resort" shall be synonymous with "camping club," or "camp resort" whether or not structured as or involved with a common-interest entity, provided the method of structuring the project meets the definition of "camping resort" in RCW 19.105.300(1).

(4) "Camping resort program" means the rights and obligations of a purchaser and the methods and procedures for occupying or using camping resort facilities and properties, as established by the purchase contract and other written instruments, such as covenants, declarations, bylaws or rules.

(5) "Camping resort project" shall mean a camping resort and all of its parks, sites, properties and facilities, that are part

of the program in which a purchaser receives use, occupancy, membership, or ownership rights.

(6) "Public offering statement" shall mean the written disclosures referred to in RCW 19.105.320 (1)(b) and 19.105.370.

(7) "Statement of record" shall mean all materials, not exclusive of others, including application forms, documents, exhibits, statements, the public offering statement, correspondence, and affidavits, filed with the agency, for registration purposes.

(8) "Advance fees" shall mean fees, funds, or consideration of any description, collected for any purpose from buyers or sellers of resale camping resort contracts, prior to the time of settlement of a purchase transaction.

(9) "Prospective purchaser" shall mean any person attending a sales presentation or touring a camping resort when such attendance results from an operator's solicitation or advertising.

(10) "Right to use or multiple use camping resort" shall mean a camping resort where the fee title or leasehold interest to the land remains with the operator and memberships are sold in excess of one membership to each camping site and usage is subject to operator established rules.

(11) "Common-interest camping resort" shall mean a member-owned entity which has the fee title or leasehold interest to the land in its own name and the memberships of the common interest entity are sold one membership to a specific camping site and the site usage is exclusive to the member.

(12) "Undivided interest camping resort" shall mean a camping resort entity which conveys the fee title or leasehold interest to the land to the member, and the memberships are sold in excess of one membership to each camping site and their usage is subject to the operator's established rules.

[Statutory Authority: RCW 19.105.530(1), 43.24.023. 03-03-054, § 308-420-020, filed 1/13/03, effective 2/13/03. Statutory Authority: RCW 19.105.130. 91-01-082, § 308-420-020, filed 12/17/90, effective 1/17/91. Formerly WAC 460-90A-015.]

WAC 308-420-030 Reporting events that shall require that the operator keep written disclosures current. (1) Not exclusive of others, the following are events that shall require that the operator provide the agency with notice and amendment to the public offering statement, pursuant to the provisions of RCW 19.105.420 for the purpose of keeping the public offering statement current:

(a) Any change or event causing information in the public offering statement to be outdated, incorrect, incomplete or deceptive.

(b) Any damage to the property or facilities of a camping resort which limits the use of the properties or facilities by the contract purchasers.

(c) Any hazard threatening the properties or facilities which presents a danger of injury to the contract purchasers or limits their use of properties or facilities.

(d) Any order or action by a local, state or federal regulatory agency in the granting, denial, revocation, or suspension of a permit or authorization affecting the camping resort properties or facilities which limits the use of the camping resort properties or facilities by the contract purchasers.

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(e) The completion of promised facilities or the failure to complete promised facilities on a date or at the occurrence of an event, as promised.

(f) A bulk sale of the project or a significant portion of the project to another person.

(g) Changes in the provisions of instruments or documentation utilized to establish the camping resort program or a common-interest entity involved in the camping resort operations.

(h) Any change in the provisions or content of a purchase contract, deed, membership certificate or members handbook.

(i) Lawsuits filed or served, which name the operator, its affiliates or the project's common-interest entity and concern the provisions of the Camping Resorts Act (chapter 19.105 RCW) and rules or the financial condition of the operator or its affiliates, the project, or a common-interest entity.

(j) Changes in management, if the project or its amenities are managed by a common-interest entity.

(k) Any new contract, change in a contract, or termination of a contract with an outside reciprocal-use or exchange entity.

(l) Any proposed change in the ratio of contracts to be sold relative to the number of camp sites available.

(2) It shall be a violation of chapter 19.105 RCW and these rules for a registrant to have knowledge or cause the occurrence of an event specified in subsection (1) of this section, without providing timely notice of the event to the agency as required in RCW 19.105.420 and 19.105.360(3).

(3) Notice for the purpose of keeping the public offering statement current shall be accomplished by providing the agency with:

(a) Copies or prototypes of documents or other materials pertinent to the event.

(b) A cover letter explaining the event.

(c) A redraft of the public offering statement identifying the proposed corrections, deletions, or additions to the existing information.

[Statutory Authority: RCW 19.105.130. 91-01-082, § 308-420-030, filed 12/17/90, effective 1/17/91. Formerly WAC 460-90A-017.]

WAC 308-420-040 Material events that are amendments requiring notice and a filing fee. (1) Not exclusive of others, the following shall be events that will have a material effect on the conduct of the operation of a camping resort and require both notice to the agency and the submission of a filing fee.

(a) Any proposed sale or transfer, of an interest in the project or shares of stock of the registrant which results in a change of voting, management, or ownership control.

(b) Any removing, substituting, leasing, optioning, selling or withdrawing of existing properties, resorts, or facilities from the camping resort program.

(c) Any adding, deleting, or rearranging of camping sites or facilities within an existing camping resort in a manner that would reduce the size or change the number or quality of sites.

(d) Any adding of camping resorts, facilities or properties to any existing camping resort program and any purchase or acquisition of other camping resorts, facilities or properties by an operator or its affiliates.

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(e) Any new encumbrances, liens or loans that affect the camping resort properties.

(f) A change in the status, provisions, or conditions of an escrow, trust, impound, reserve account or other security device being utilized to protect the interests of purchasers, whether or not impound or reserve accounts are required as a condition to registration under chapter 19.105 RCW.

(g) The filing by any person of any bankruptcy, receivership, or trustee action that involves any of the camping resort properties, the registrant, a common-interest entity or an affiliate, as a party to the action.

(h) The operator makes an initial offering of stock to the public.

(i) The refinancing of all or any part of the operator's debts affecting the project.

(j) Any change in the financial condition of the registrant, an affiliate, or a common-interest entity, if such change could result in an inability to provide promised sites, facilities, or services.

(2) Filing an amendment and reporting events that might have a material effect shall be accomplished by providing the agency with the following:

(a) Copies or prototypes of documents or other materials pertinent to the event.

(b) A cover letter explaining the event and any proposed amendment.

(c) A redraft of the public offering statement identifying the proposed corrections, deletions, or additions to the existing information.

[Statutory Authority: RCW 19.105.130, 91-01-082, § 308-420-040, filed 12/17/90, effective 1/17/91. Formerly WAC 460-90A-018.]

WAC 308-420-050 Exemptions from registration—Noncommercial resale contract offerings. As provided in RCW 19.105.325(2), the director exempts from the registration requirements of chapter 19.105 RCW the offering and selling of resale camping resort contracts by a common interest entity, entirely owned and operated by the purchasers of the camping resort contracts, which markets no more than ten resale camping resort contracts during any one calendar year period, provided that any such offering or selling is noncommercial in nature and that registration is not necessary for the protection of purchasers. Noncommercial shall mean that the common-interest entity is not primarily in the business of offering or selling camping resort contracts.

[Statutory Authority: RCW 19.105.530(1), 43.24.023, 03-03-054, § 308-420-050, filed 1/13/03, effective 2/13/03. Statutory Authority: RCW 19.105.130, 91-01-082, § 308-420-050, filed 12/17/90, effective 1/17/91. Formerly WAC 460-90A-022.]

WAC 308-420-060 Statement of record—Filings and information required upon application for registration of start up camping resort projects and contract offerings.

(1) An application for registration of a start up contract offering shall be made by completing forms prepared for such purpose by the agency.

(2) The application, documents and information filed for registration purposes shall be referred to as the statement of record.

(3) The statement of record for a registration of a start up contract offering shall include the following:

(a) The prescribed filing fee.

(b) The completed application forms.

(i) A copy of any criminal conviction, including a guilty plea, within the last ten years, or any conviction that resulted in the applicant having to register as a sex offender regardless of whether the conviction is over ten years old.

(ii) A copy of any civil or administrative judgment or order involving dishonesty, fraud, or violation of any act designed to protect consumers that names the applicant or any of the applicant's affiliates as a party.

(c) The draft of the proposed public offering statement.

(d) A sample or prototype of any documents to be signed or initialed by and that commits purchasers. Such documents shall contain the cancellation notice required in RCW 19.105.390.

(e) Copies of all recorded or unrecorded encumbrances, mortgages, liens, deeds, leases, contracts, and any amendments thereto, that affect camping resort projects.

(f) A preliminary title report, dated within thirty days of application, covering all of the acreages, park sites, and areas on which facilities are located.

(g) Financial statements and information as required by WAC 308-420-110.

(h) If the registrant is other than a natural person, copies of relevant articles of incorporation, bylaws, partnership, or joint venture documentation.

(i) Promotional materials, including advertising and contract forms covering travel programs, discount programs, programs for the use or occupancy of in-park trailers or mobiles and those providing memberships in other recreational programs, if such materials or programs are to be utilized to promote sales of camping resort contracts or are to be offered to contract owners as part of the camping resort programs.

(j) Applications for and contracts of affiliation with any outside exchange or reciprocal-use entity.

(k) Whenever applicable to the structuring of the project, provide a copy or prototype of the following:

(i) Plats, maps, site plans, or surveys.

(ii) Water, sewerage, or land use authorizations or permits, or denial of permits of local jurisdictions.

(iii) Performance bonds, letters of credit, surety or guaranty agreements affecting the project or the program.

(iv) Trust or escrow arrangements affecting the project.

(v) Covenants or declarations affecting camping resort properties.

(vi) Agreements for the usage of amenities or facilities owned by persons other than operator.

(l) If the project involves a common-interest entity copies or prototypes of the following:

(i) Declaration and bylaws.

(ii) Rules and regulations.

(iii) Membership certificate and proxy forms.

(iv) Evidences of title to any personal property owned or to be owned by the association or purchasers collectively.

(v) Agreements for managing the properties.

(vi) Agreements for payment or subsidizing the payment of project operational expenses during the term of registrant marketing.

[Statutory Authority: RCW 19.105.530(1), 43.24.023, 03-03-054, § 308-420-060, filed 1/13/03, effective 2/13/03. Statutory Authority: RCW

19.105.130. 91-01-082, § 308-420-060, filed 12/17/90, effective 1/17/91. Formerly WAC 460-90A-025.]

WAC 308-420-070 The public offering statement—Form, content, and preparation. (1) The written disclosures provided for in RCW 19.105.320 (1)(b) and 19.105.370 shall be in a document to be known as the public offering statement.

(2) The public offering statement shall be prepared and promulgated in a form prescribed by the agency.

(3) Prior to approval of a registration or promulgation of the proposed public offering statement by the applicant, the applicant's draft for the public offering statement shall be reviewed by the agency to determine its completeness and accuracy.

(4) If the agency deems that sections or areas of the proposed public offering statement are incomplete, inaccurate, deceptive, or not presented in the proper format, the agency shall reject the proposed public offering statement and return it to the applicant for correction of noted deficiencies.

[Statutory Authority: RCW 19.105.530(1), 43.24.023. 03-03-054, § 308-420-070, filed 1/13/03, effective 2/13/03. Statutory Authority: RCW 19.105.130. 91-01-082, § 308-420-070, filed 12/17/90, effective 1/17/91. Formerly WAC 460-90A-027.]

WAC 308-420-090 The public offering statement—Delivery to prospective purchasers. (1) The operator or its agents shall provide all prospective purchasers with the agency-registered public offering statement prior to the completion of a sales presentation or a camping resort tour whether or not such persons purchase a camping resort contract.

(2) Any person who requests of an operator or its agents, a public offering statement, shall be provided the public offering statement, whether or not such person has received a solicitation.

(3) Any prospective purchaser who attends a sales presentation or tour of a camping resort, upon request of the prospective purchaser, shall be given a copy or prototype of the operator's camping resort contract, which the prospective purchaser may retain, whether or not there has been an actual purchase made. No fee shall be charged for this document.

(4) No fee may be charged for the initial copy of the public offering statement provided persons. A fee covering the operator's actual costs for production of the document may be charged for additional copies.

[Statutory Authority: RCW 19.105.530(1), 43.24.023. 03-03-054, § 308-420-090, filed 1/13/03, effective 2/13/03. Statutory Authority: RCW 19.105.130. 91-01-082, § 308-420-090, filed 12/17/90, effective 1/17/91. Formerly WAC 460-90A-032.]

WAC 308-420-100 Purchaser cancellations of contracts—Prompt refund of funds and consideration. (1) "Promptly" with reference to the refund and return of a person's funds and consideration, referred to in RCW 19.105.-390 shall be as follows:

(a) For cash, cashiers checks, money orders, credit card slips held and not processed and other similar consideration, the operator or its agents shall make refunds within ten business days of a demand.

(b) For credit card purchases where the operator has processed the credit card slip(s) to the care of the credit card

company, the operator shall notify the credit card company of a credit to the account of the purchaser within three business days of a demand.

(c) Promissory notes and similar evidences of debt shall be voided and returned within three business days of demand.

(d) Within ten business days after demand, the operator or its agents shall give the purchaser evidence that the purchase commitment has been voided.

(2) No purchaser camping resort contract, promissory note or other evidences of debt may be sold, transferred, hypothecated or pledged by an operator until at least five business days after the termination of the statutory-prescribed cancellation term.

(3) No fees or charges may be made of a purchaser by an operator for use of written materials or camping resort facilities offered gratuitously prior to the cancellation request; however, nothing in this statement shall preclude an operator from requiring return of materials in the custody of a purchaser not including the public offering statement.

[Statutory Authority: RCW 19.105.530(1), 43.24.023. 03-03-054, § 308-420-100, filed 1/13/03, effective 2/13/03. Statutory Authority: RCW 19.105.130. 91-01-082, § 308-420-100, filed 12/17/90, effective 1/17/91. Formerly WAC 460-90A-035.]

WAC 308-420-110 Financial statements and information. (1) Financial statements provided by the applicant, reporting on the applicant as a business, shall be audited and prepared in accordance with generally accepted accounting principles by a public accountant independent of the operator or affiliate.

(2) The financial statements shall include a balance sheet, statements of income and changes in financial position for each of the three fiscal years preceding the date of application. For the period between the end of the previous fiscal year and the date of application, interim financial statements, for all calendar quarters covering the period sixty or more days prior to the date of application shall be submitted but need not be audited.

(3) In order to be assured of continued payment of the project operating expenses and the funding of capital improvement accounts for future repairs, replacement or refurbishment of depreciable properties and facilities, and for contingencies, the following financial statements, documentation or information, reporting on the financial operations of the resorts and its facilities, as distinguished from that financial information reporting on the applicant as a business, required in subsections (1) and (2) of this section, are to be provided to the agency:

(a) The location of and amounts in all capital improvement, reserve and contingency accounts.

(b) Financial statements including a balance sheet, statements of income and changes in financial position covering the camping resort operating income and expenses and funding of capital improvements, for each of the three fiscal years preceding the date of application, or for the preceding year for a renewal applicant.

(4) All applicants shall provide a statement concerning the liens and encumbrances affecting all camping resort properties and facilities in the camping resort program, and shall include the following information:

(a) The identity of the lien or encumbrance.

(b) The identity of the holder or owner of the lien or encumbrance.

(c) A description of the property encumbered or affected.

(d) The original amount of each loan or encumbrance.

(e) The balance due and whether or not any payments are then in arrears.

(f) A schedule of amounts and dates payable or conditions of any future payments.

(g) If deemed necessary for the protection of purchasers, the agency may require reporting and confirmation of payments made on liens and encumbrances.

(5) For purposes of purchaser protection, the agency may require additional financial information in the event such information appears necessary to determine the requirements of RCW 19.105.340, and 19.105.350 or if grounds exist for administrative action under RCW 19.105.380.

(6) The agency may waive any or all of the financial information requirements of this section in the event such information does not appear necessary for purposes of determining whether an applicant must comply with RCW 19.105.340, 19.105.350 or if grounds exist for administrative action under RCW 19.105.380.

(7) The agency may require that the financial statements and information required in this section be consolidated with that of affiliates or other business endeavors if it appears necessary to do so for the protection of purchasers or to assist in the determination whether the applicant must comply with the requirements of RCW 19.105.340 and 19.105.350, or if grounds exist for administrative action under RCW 19.105.-380.

[Statutory Authority: RCW 19.105.130. 91-01-082, § 308-420-110, filed 12/17/90, effective 1/17/91. Formerly WAC 460-90A-045.]

WAC 308-420-120 Written disclaimer of endorsement. The public offering statement and each advertisement or sales promotional literature required to be filed pursuant to RCW 19.105.360(1) or that is utilized by an operator, its agents or affiliates, shall contain, in a conspicuous location, the following statement in at least 10 point type:

THIS DOCUMENT HAS BEEN FILED WITH THE DEPARTMENT OF LICENSING, STATE OF WASHINGTON, AS REQUIRED BY WASHINGTON LAW. VALUE, QUALITY, OR CONDITIONS STATED, AND PERFORMANCE ON PROMISES ARE THE RESPONSIBILITY OF THE OPERATOR, NOT THE DEPARTMENT. THE FILING DOES NOT MEAN THAT THE DEPARTMENT HAS APPROVED THE MERITS OR QUALIFICATIONS OF ANY REGISTRATION, ADVERTISING, OR ANY GIFT, PRIZE, OR ITEM OF VALUE AS PART OF ANY PROMOTIONAL PLAN.

[Statutory Authority: RCW 19.105.130. 91-01-082, § 308-420-120, filed 12/17/90, effective 1/17/91. Formerly WAC 460-90A-055.]

WAC 308-420-140 Receipt of written disclosures. The camping resort operator or salesperson shall obtain from each person that tours a camping resort or attends a sales presentation, a signed statement evidencing receipt of the public offering statement. The operator shall retain each receipt for a period of at least three years from the date of signature thereon.

[Statutory Authority: RCW 19.105.530(1), 43.24.023. 03-03-054, § 308-420-140, filed 1/13/03, effective 2/13/03. Statutory Authority: RCW 19.105.130. 91-01-082, § 308-420-140, filed 12/17/90, effective 1/17/91. Formerly WAC 460-90A-070.]

(2007 Ed.)

WAC 308-420-150 Depository. Funds subject to an impound condition shall be placed in a separate trust account with a bank or depository institution approved by the director. A written consent of the depository to act in such capacity shall be filed with the director.

[Statutory Authority: RCW 19.105.130. 91-01-082, § 308-420-150, filed 12/17/90, effective 1/17/91. Formerly WAC 460-90A-080.]

WAC 308-420-160 Operation of impound condition. When an impound condition is imposed in connection with the registration of camping resort contracts, up to 100% of the proceeds and other funds as specified by the impound conditions shall, be placed with the depository within 48 hours after the cancellation periods prescribed in WAC 308-420-100 or the next banking day after the cancellation periods whichever is later, until the director takes further action pursuant to WAC 308-420-170.

[Statutory Authority: RCW 19.105.130. 91-01-082, § 308-420-160, filed 12/17/90, effective 1/17/91. Formerly WAC 460-90A-090.]

WAC 308-420-170 Release of impounds. The director or administrator will authorize the depository to release to the operator or others as provided in the terms of the impound, the amount of the impounded funds applicable to a specified purpose, upon a showing that the operator can satisfy his obligations under the camping resort contract and the impound arrangement or that for other reasons the impound is no longer required for the protection of the purchasers. An application for an order of the director or administrator authorizing the release of the impound to the operator or other persons shall be by affidavit and shall contain the following:

(1) A statement of the operator that all required proceeds and documents from the sale of camping resort contracts have been placed with the depository in accordance with the terms and conditions of the impound agreement.

(2) A statement of the depository signed by an appropriate officer setting forth the amount of funds placed, already disbursed and presently in the custody of the depository.

(3) The names of each contract purchaser and the amount held in the impound for each of the accounts.

(4) Such other information as the director may request.

[Statutory Authority: RCW 19.105.130. 91-01-082, § 308-420-170, filed 12/17/90, effective 1/17/91. Formerly WAC 460-90A-100.]

WAC 308-420-180 Fee for impound. The director shall impose a fee for each impound or reserve required to be set up pursuant to RCW 19.105.340 and 19.105.350.

[Statutory Authority: RCW 19.105.130. 91-01-082, § 308-420-180, filed 12/17/90, effective 1/17/91. Formerly WAC 460-90A-105.]

WAC 308-420-190 Renewals. (1) Pursuant to RCW 19.105.420 an application for renewal shall be made on a form to be provided by the agency.

(2) It shall be the applicant's responsibility to procure forms and file them with the agency.

(3) The renewal application shall include the following:

(a) Affidavits by the operator stating whether or not there have been any changes in the information and documentation previously submitted for purposes of registration.

(b) Copies or prototypes of all amended, altered, or new documentation evidencing changes; the changes shall be underlined or referred to by footnotes.

(c) A draft of a proposed amended public offering statement evidencing changes; the changes shall be underlined or referred to by a cover letter calling the agency's attention to the proposed changes, additions to or deletions from the public offering statement previously accepted by the agency.

(d) A copy of all camping resort contract forms marked and underscored to reflect changes, additions or deletions.

(e) Financial statements and information as provided for in WAC 308-420-110 will be required to be submitted once every four years beginning from the original registration approval date or at any other time the department deems necessary to determine the financial stability of the company.

(f) Payment of fees as provided for in RCW 19.105.411.

(4) Failure of the renewal applicant to renew in a timely manner on or before the date of expiration, shall mean that the registration has expired. Upon expiration of registration the camping resort contracts are deemed not registered and the operator must register as a new applicant pursuant to the provisions of RCW 19.105.320 and WAC 308-420-060 and 308-420-070.

[Statutory Authority: RCW 19.105.530(1), 43.24.023, 03-03-054, § 308-420-190, filed 1/13/03, effective 2/13/03. Statutory Authority: RCW 19.105.130, 91-01-082, § 308-420-190, filed 12/17/90, effective 1/17/91. Formerly WAC 460-90A-115.]

WAC 308-420-200 Salesperson registrations. (1)

Each applicant for registration as a camping resort salesperson shall register on a form prescribed by the agency and pay a filing fee as provided by the director.

(2) Registration as a camping resort salesperson shall be renewed annually or at the time the salesperson obtains employment by a camping resort operator subsequent to a termination of a employment by a camping resort operator, by the filing of a form prescribed by the agency and payment of the proscribed fee.

(3) The following information shall be provided on the original application or renewal of a camping resort salesperson's registration:

(a) A copy of any criminal conviction, including a guilty plea, within the last ten years, or any conviction that resulted in the applicant having to register as a sex offender regardless of whether the conviction is over ten years old.

(b) A copy of any civil or administrative judgment or order involving dishonesty, fraud, or violation of any act designed to protect consumers that names the applicant as a party.

(4) Upon the occurrence of any material change in the information contained in the registrant's file, each salesperson registrant shall promptly file with the agency an amendment to the salesperson registration file stating the change(s). The following shall be material changes requiring notice to the agency:

No later than twenty business days, upon being named a defendant or a party in any administrative, civil or criminal proceeding, the salesperson applicant shall promptly provide to the agency a notice of the proceeding and a copy of the complaint.

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(5) Each operator of a camping resort whose camping resort contracts are registered with the agency, shall upon the termination of employment of a camping resort salesperson provide the department with a notice of termination and to return to the department the salesperson registration within ten days of the termination.

(6) The operator is responsible for posting the salesperson registration visible to the public on the premises where the salesperson is employed.

(7) As a condition of continued registration the salesperson registrant shall comply with the following:

(a) During the entire term of the registration the registrant is to be employed or engaged by an operator that is registered with the agency as an offeror of camping resort contracts, and the salesperson shall be offering contracts on behalf of or in the employment of such operator-registrant. Upon termination of employment with a registered camping resort operator, the salesperson registration is deemed to have expired.

(b) The salesperson shall cooperate fully with the agency in any investigation of alleged violations by the registrant, salesperson, or others, of the Camping Resort Act or these rules.

(c) It shall not be represented to any prospective purchaser that there is any form of a membership resale program for membership contracts being offered by the operator of the camping resort unless the same be true.

(8) Applications for registration or renewal that are for any reason defective or that are not legible shall be returned and the application shall be deemed not filed until the form is received by the agency with the deficiencies corrected.

(9) An application for renewal of a salesperson registration not filed in a timely manner or not received or acted upon by the agency prior to the expiration date shall be deemed by the agency as having expired. The salesperson must thereafter register as a new applicant for registration. Salespersons who have failed to make timely renewal applications shall not engage in camping resort activities. It is the salesperson's responsibility to secure the necessary forms and renew a registration in a timely manner. The agency shall not be responsible for applications lost in the mail or not timely received for other reasons.

[Statutory Authority: RCW 19.105.530(1), 43.24.023, 03-03-054, § 308-420-200, filed 1/13/03, effective 2/13/03. Statutory Authority: RCW 19.105.130, 91-01-082, § 308-420-200, filed 12/17/90, effective 1/17/91. Formerly WAC 460-90A-122.]

WAC 308-420-210 Request for withdrawal of camping resort property.

A camping resort operator may request written approval from the director for authority to withdraw any substantial camping or recreation portion of any camping resort property devoted to camping or recreational activities pursuant to RCW 19.105.380 (1)(q)(iv) by filing with the director a request ninety days before the intended withdrawal date or such lesser time as the director may allow identifying the portion of the property to be withdrawn and stating the reasons for such withdrawal accompanied by copies of any materials or data supporting such reasons or the necessity for such withdrawal.

[Statutory Authority: RCW 19.105.530(1), 43.24.023, 03-03-054, § 308-420-210, filed 1/13/03, effective 2/13/03. Statutory Authority: RCW

(2007 Ed.)

19.105.130. 91-01-082, § 308-420-210, filed 12/17/90, effective 1/17/91. Formerly WAC 460-90A-130.]

WAC 308-420-220 Advertisements. (1) No camping resort operator or salesperson shall use advertisements or sales promotion literature that are deceptive, false, or misleading.

(2) Advertisements or sales promotion literature that offer any gift, prize, award, sweepstakes, premium, free items, or item of value as an inducement to the recipient to buy a camping resort membership, visit a camping resort property, complete a tour of a camping resort property, receive a sales presentation, or contact salespersons shall be subject to the following provisions:

(a) The name of the operator providing the services which are the subject of the advertisement or sales promotion shall appear on the front or first page of the offer. If the offer is made by an agent or independent contractor employed or authorized by the operator, or is made under a name other than the registered name of the operator, the name of the operator shall be more prominently and conspicuously displayed than the name of the agent, independent contractor, or other name.

(b) No item or promotion may be labeled gift, prize, award, sweepstakes, premium, free, or the like if the intended recipient is required to purchase a camping resort contract or expend any sum of money other than travel costs to attend a sales presentation or pay any shipping and handling charges to receive or redeem the item.

(c) The use of any printing styles, graphics, lay-outs, text, colors, or formats on envelopes or on the offer which implies, creates an appearance, or would lead a reasonable person to believe, that the offer originates from or is issued by or on behalf of a government or public agency, public utility, public organization, insurance company, credit reporting agency, bill collecting company or law firm, unless the same is true, is prohibited.

(d) All references to the size, quantity, identity, value, or quality of any incentive must be accurate and correct.

(e) All references to the odds of receiving any particular incentive must be accurate and correct.

(f) References that represent directly or by implication that the number of participants has been significantly limited or that any person has been selected to receive a particular incentive unless fact are prohibited.

(g) No offer shall be labeled a notice of termination or notice of cancellation.

(h) The offer, plan, program or the affiliation, connection, association, or contractual relationship between the person making the offer and the operator may not be represented if they are not the same.

(i) The advertisement or sales promotion literature shall identify each item and its retail fair market value. To determine the retail fair market value, the following methods may be used:

(i) Approximate retail sales price of the item in the trade area in which the offer is made; or

(ii) Approximate retail sales price in the trade area of similar items of comparable quality if the item is not available in the trade area in which the offer is made;

(iii) Appraisals adjusted to local retail fair market value;

(iv) Only if local retail fair market value cannot be determined by the methods set forth above then it may be established by multiplying by three the operator's actual cost of the item.

(j) If the item is one or more of a larger group, and if offered or given on a random basis, the advertisement or sales promotion literature must disclose the actual odds of receiving each item. The odds shall be stated in Arabic numerals in ratio form and if the odds are not printed on the front or first page of the offer, then the location of the odds must be disclosed on the front or first page in a type size that is equal to or larger than standard text type used on the front or first page of the offer.

(k) If receipt of the advertised item is contingent upon certain restrictions or qualifications which the recipient must meet, then a clear and complete disclosure of those restrictions and whether they apply to receipt of the gift or acceptability to buy into the program, must be made in the offer. Restrictions that must be disclosed include, but are not limited to the following:

(i) The deadline by which the recipient must buy a camping resort membership, visit a camping resort property, complete a tour of a camping resort property, receive a sales presentation, or contact a salesperson in order to receive an item, if any such deadline exists;

(ii) The days and hours during which visits may be made, tours may be taken, or sales presentations received and the approximate length in hours of such visits, tours or sales presentations if any visit, tour, or sales presentation is necessary in order for the recipient to receive the item; and

(iii) Any requirement such as age, marital status, financial qualifications, or that both husband and wife must be present.

(l) No camping resort operator or salesperson shall make any offer of an item when the operator or salesperson knows or has reason to know that the item is not readily available;

(m) Any restriction or requirement that time, money or effort must be expended by the recipient of an item in order for the recipient to use the item must be disclosed in the advertisement or sales promotion literature. Examples of such restrictions or requirements include any items that require assembly by the recipient, travel or other entertainment gifts or prizes for which there are limitations on the dates or times when the recipient may use the item, or which require nonrefundable reservation deposits or additional travel costs in order for the recipient to use the travel or other entertainment gift or prize.

(n) Provisions explaining any conditions to qualify for a gift, prize, award, sweepstakes, premium, free item, or any item of value must be in type at least equal to or larger than the average type size on the face page of the advertisement or sales promotion literature.

(3) Whenever one or more items are offered to a recipient as an inducement to buy a camping resort membership, visit a camping resort property, receive a sales presentation, or contact a salesperson such items shall be identified specifically and discussed as a group whenever mentioned.

(4) Nothing in this section shall affect the remedies of the director, attorney general, or any other person responding to advertisements or sales promotions if such advertisements

or promotions are deceptive, false or misleading or otherwise in violation of chapter 19.105 RCW.

[Statutory Authority: RCW 19.105.130. 91-01-082, § 308-420-220, filed 12/17/90, effective 1/17/91. Formerly WAC 460-90A-140.]

WAC 308-420-230 Rainchecks. (1) In the event rainchecks, in lieu of an offered item are provided to recipients, a report will be due to the agency by the 10th of each month, listing all rainchecks outstanding as of the last day of the preceding month and indicating deliveries of any previously reported rainchecked items.

(2) All gifts, prizes, awards, sweepstakes, premiums, free items or other items, with the exception of the major incentives with odds of 1:1,000 or greater must be available for display to the recipient prior to the sales presentation. In the event rainchecks are to be presented, this fact must be announced prior to the tour or sales presentation.

[Statutory Authority: RCW 19.105.530(1), 43.24.023, 03-03-054, § 308-420-230, filed 1/13/03, effective 2/13/03. Statutory Authority: RCW 19.105.130. 91-01-082, § 308-420-230, filed 12/17/90, effective 1/17/91.]

WAC 308-420-240 Fees and charges. The following fees shall be paid under the provisions of chapter 19.105 RCW:

	TITLE OF FEE	FEE
(1)	Original registration:	
	One camping resort	\$3,200.00
	Each additional camping resort in this state	1,000.00
(2)	Contract fees:	
	One to five hundred contracts	500.00
	Each additional five hundred contracts, or fraction thereof	100.00
(3)	Renewal fees:	
	Annual renewal	2,000.00
	Each additional camping resort in this state	800.00
	Contract fees as described in subsection (2) of this section for each grouping of contracts:	
	One to five hundred contracts	500.00
	Each additional five hundred contracts, or fraction thereof	100.00
	Late renewal penalty	800.00
(4)	Fees for amending registration and public offering statements:	
	For each amendment of registration or the public offering statement, not requiring an examination of documentation for adding campground or additional contracts to registration	50.00
	Amendment for the establishment of an additional campground into the registration for which an examination of documents is required exclusive of any other fees	1,500.00

	Penalty fee for failure to file an amendment within thirty days of the occurrence of a material change as defined in WAC 308-420-030 or 308-420-040	100.00
(5)	Fees for impounds, escrows, trust and depositories:	
	For each initial establishment of impound, escrow, trust or other arrangement requiring agency monitoring	250.00
	Each required periodic report	20.00
(6)	Advertising filings:	
	Each individual advertisement filed with the department	100.00
	Advertisement involving no examination of campground instruments and which are for the purpose of marketing surveys or feasibility studies	75.00
(7)	Salesperson fees:	
	Registration	150.00
	Renewal	150.00
	Transfer	150.00
	Duplicate license	35.00
(8)	Fees for exemptions and exemption applications:	
	Review of application for exemption under RCW 19.105.320(2)	150.00
(9)	All fees are nonrefundable after the application has been received.	
(10)	All fees shall be paid to the order of the Washington state treasurer.	

[Statutory Authority: RCW 19.105.411, 43.24.086, and 2001 c 7. 02-15-168, § 308-420-240, filed 7/23/02, effective 1/1/03. Statutory Authority: RCW 19.105.411 and 43.240.086. 98-18-082, § 308-420-240, filed 9/1/98, effective 10/2/98. Statutory Authority: RCW 19.105.130. 91-01-082, § 308-420-240, filed 12/17/90, effective 1/17/91. Formerly WAC 460-90A-145.]

WAC 308-420-250 Application of brief adjudicative proceedings. The director adopts RCW 34.05.482 through 34.05.494 for the administration of brief adjudicative proceedings conducted by request, and/or at the discretion of the director pursuant to RCW 34.05.482, for the categories of matters set forth below. Brief adjudicative proceedings will be limited to a determination of one or more of the following issues:

- (1) Whether an applicant for a registration meets the minimum criteria for a registration as a camping resort, camping resort operator or camping resort salesperson in this state and the department proposes to deny the application;
- (2) Whether a person is in compliance with the terms and conditions of a final order or agreement previously issued by the department; and
- (3) Whether a registration holder requesting renewal has submitted all required information and whether a registration holder meets minimum criteria for renewal.

[Statutory Authority: RCW 34.05.410 (1)(a) and 34.05.482 (1)(c). 97-10-048, § 308-420-250, filed 5/1/97, effective 6/1/97.]

WAC 308-420-260 Preliminary record in brief adjudicative proceedings. (1) The preliminary record with respect to an application for an original or renewal registration shall consist of:

(a) The application for the registration or renewal and all associated documents;

(b) All documents relied upon by the agency in proposing to deny the registration or renewal; and

(c) All correspondence between the applicant for registration or renewal and the agency regarding the application.

(2) The preliminary record with respect to determination of compliance with a previously issued final order or agreement shall consist of:

(a) The previously issued final order or agreement;

(b) All reports or other documents submitted by, or at the direction of, the registration holder, in full or partial fulfillment of the terms of the final order or agreement;

(c) All correspondence between the registration holder and the agency regarding compliance with the final order or agreement; and

(d) All documents relied upon by the agency showing that the registration holder has failed to comply with the previously issued final order or agreement.

[Statutory Authority: RCW 34.05.410 (1)(a) and 34.05.482 (1)(c). 97-10-048, § 308-420-260, filed 5/1/97, effective 6/1/97.]

WAC 308-420-270 Conduct of brief adjudicative proceedings. (1) Brief adjudicative proceedings shall be conducted by a presiding officer for brief adjudicative proceedings designated by the director. The presiding officer for brief adjudicative proceedings shall not have personally participated in the decision which resulted in the request for a brief adjudicative proceeding.

(2) The parties or their representatives may present written documentation. The presiding officer for brief adjudicative proceedings shall designate the date by which written documents must be submitted by the parties.

(3) The presiding officer for brief adjudicative proceedings may, in his or her discretion, entertain oral argument from the parties or their representatives.

(4) No witnesses may appear to testify.

(5) In addition to the record, the presiding officer for brief adjudicative proceedings may employ agency expertise as a basis for the decision.

(6) The presiding officer for brief adjudicative proceedings shall not issue an oral order. Within ten days of the final date for submission of materials or oral argument, if any, the presiding officer for brief adjudicative proceedings shall enter an initial order.

[Statutory Authority: RCW 34.05.410 (1)(a) and 34.05.482 (1)(c). 97-10-048, § 308-420-270, filed 5/1/97, effective 6/1/97.]